

7/23/2019

**IN RE THE MATTER OF: WHITE PINES WATER MAIN
REPLACEMENT**

MAUREEN K. NAGLE

PUBLIC HEARING
VILLAGE OF BENSENVILLE, ILLINOIS

IN RE THE MATTER OF:)
)
WHITE PINES WATER MAIN)
REPLACEMENT)

REPORT OF PROCEEDINGS had at the hearing of
the above-entitled cause at the Village of Bensenville
Village Hall, 12 S. Center Street, Bensenville,
Illinois, on the 23rd day of July, 2019, at the hour of
6:30 p.m.

PRESENT:

MR. EVAN K. SUMMERS, Village Manager;

MR. JOE CARACCI, Director of Public Works;

MONTANA & WELCH

BY: MR. RICHARD F. BRUEN

192 N. York Street

Elmhurst, Illinois 60126

Appeared on behalf of the Village.

1 MR. SUMMERS: Thank you for coming tonight.
2 My name is Evan Summers. I'm the village manager for
3 the Village of Bensenville. This is the public hearing
4 for the IEPA loan application for the White Pines Water
5 Main Replacement Project. We will go through a short
6 presentation kind of outlining the agenda tonight, who
7 we are, and then towards the end we will open it up to
8 public comment.

9 We intend to allow everyone who is
10 interested to speak. We look forward to answering
11 every possible question that comes up; and in the event
12 that there are questions that we can't answer, we will
13 ask your name and get back to you. Every question
14 should be answered. We will put public comment on the
15 record.

16 It looks like we are having some slight
17 technical difficulties with our presentation.
18 Everything was working just fine here earlier.

19 I will hand the presentation over to
20 Joe Caracci, the public works director for the Village
21 of Bensenville, and go from there.

22 MR. CARACCI: Thank you. For some reason,

1 this is not working.

2 So Evan just did a -- Can everybody
3 hear me okay? Evan just did an introduction of who is
4 going to be here. We also have Corey Williamson, our
5 deputy village clerk, as well as Rich Bruen, our
6 village attorney. I want to get through some meeting
7 guidelines first.

8 Do you want to go over that, Evan?

9 MR. SUMMERS: Yeah, I'll go over the
10 guidelines. Like I mentioned, we are going to make a
11 brief presentation on the agenda. The Village will
12 hear all questions, all comments related to the White
13 Pines project. All the speakers will be required to
14 give their name and address for the record.

15 We are joined here tonight by Maureen.
16 She is a court reporter. If you are giving a public
17 comment, we ask that you state your name, spell your
18 name, and give your address. Because we have a court
19 reporter here, it is also important that we do not try
20 to speak over each other.

21 We ask that if you ask a question, make
22 sure it's formed in a question form, and a comment,

1 state you are making a comment, and go from there. We
2 are not looking to get in a dialogue back and forth.
3 That makes it very difficult for Maureen to do her job
4 and for Corey to submit a list of questions to the
5 IEPA.

6 The Village will attempt to answer all
7 questions tonight. However, if more information is
8 needed, we will get back to you in writing. It's going
9 to be difficult for us to answer questions that are
10 highly technical or, you know, individualized questions
11 it's going to be difficult; but we will take those
12 questions and get back to you.

13 Then, finally, proper decorum. We know
14 this is a hot issue. I saw most of you in this room
15 about a year ago at Blackhawk Middle School. I think
16 we did a good job there as a group not yelling at each
17 other or getting too hostile, and I hope to see that
18 again.

19 Joe.

20 MR. CARACCI: The first thing I want to do
21 is go over the scope of the work of the project. As
22 you know, this is a water main replacement project.

1 The project is guided to replace parts of the existing
2 White Pines area water distribution system, which may
3 include flood services. The project consists of
4 constructing approximately 17,000 linear feet of 8-inch
5 diameter water main and 323 feet of 6-inch diameter
6 water main. It will include valve, valve faults, fire
7 hydrants, copper water services, and abandoning the
8 existing water main as well as restoration of the
9 right-of-ways. The existing water mains along White
10 Pine Grove, which was constructed in 1992, Third Avenue
11 in '98, and Briar Lane, which was constructed in 2000,
12 will remain in place.

13 New water services for all houses that
14 are currently going out to a backyard main, which is
15 the remainder of the water system, will be redirected
16 to the front and hooked into the new water mains inside
17 the right-of-way of the roadway. Any lead found in the
18 system, which will include lead service lines, lead
19 solder, anything that we find lead in the system, we
20 are committed to replace so that will be part of this
21 project. As I mentioned, any necessary restorations
22 will be done as part of the project as well.

1 We are currently in the design status
2 right now. We are trying to finish up the private
3 service line design. We are taking a look at each
4 individual home that has to go from the backyard to the
5 front yard and trying to find out what the best route
6 may be.

7 We anticipate we are going to have
8 future public meetings with you guys to talk about your
9 specific locations, your specific homes, and how we
10 plan to relocate your services, open for discussion at
11 that point on whether or not you agree with the route,
12 disagree with the route, have other options, concerns,
13 or things like that. So that will be in a follow-up
14 meeting in the future once we finish up all the design
15 of all of the 260 some services that we are replacing.

16 I want to get a little bit into the
17 project funding and loan status. The construction cost
18 right now, the construction estimate, is \$7.87 million.
19 So we intend to fund that project with first a
20 deduction -- or a reduction using your --

21 MR. SUMMERS: Not your.

22 MR. CARACCI: Not your.

1 -- the unincorporated funds that have
2 been accumulated over the years as well as an IEPA
3 loan. So the loan amount will be somewhere in excess
4 of \$6 million. The Village will generate revenue to
5 pay the debt service on that loan through either water
6 rate increases or taxes for those who choose to annex
7 into the village. These two options were presented to
8 all the residents back in July of '18 at the Blackhawk
9 meeting at that time.

10 The final, the status of the loan. The
11 final approval of the loan cannot happen until, one, we
12 complete this public hearing and we record all of the
13 comments and questions to the EPA. The next step after
14 that would be to generate and approve some funding
15 resolutions and ordinances through the village board.
16 Basically those are ordinances that will tell the EPA
17 this is our funding mechanism to pay the loan.

18 After that we have to finish our plans,
19 get the plans approved, bid the project, award the
20 project, and then the EPA would approve the loan.

21 MR. SUMMERS: I'll jump in here. The
22 alternative -- we should probably talk about

1 alternatives. So if the IEPA loan was not granted, the
2 Village intends to carry on with this project.

3 Currently the IEPA loan rate is about just under
4 2 percent. The Village would pursue taxable bond
5 issuance to get this project done. Those taxable rates
6 would be about 5 percent. The Village would pass that
7 increased cost on to the customers of White Pines.

8 This is -- the Village does intend to
9 move forward with the project. The question is on the
10 residents of White Pines: How do you want to pay for
11 the project? Do you want to pay for it through an
12 increased water rate or through annexation?

13 MR. CARACCI: Current schedule. Assuming we
14 get loan approval by the end of this year, which we are
15 hoping to do, we could begin work as early as spring of
16 2019, so next spring. The actual construction date
17 will depend on actually receiving that final loan
18 approval from the EPA and when the funding for that
19 loan is approved. So right now, again, if we get
20 everything done before the end of the year, we are
21 hopeful to start in the spring. If the EPA delays us a
22 little bit on the actual award, it could go a little

1 bit later.

2 Our anticipation, with the assistance
3 of the residents of White Pines, is we can get through
4 this project quickly. It could take a full
5 construction season. That's our hope. It's all going
6 to depend on the cooperation we get from the residents
7 during construction, how well the construction goes.
8 The service lines, I'm gonna tell you, are going to be
9 a bear, to relocate all of those services lines to the
10 front, but we are hopeful. We are hoping to get a good
11 contractor who can work with multiple crews out on
12 site. This is a very big project to get done in a
13 year, but we are committed to get that done.

14 That's my presentation on the actual
15 project scope.

16 MR. SUMMERS: We will now open up the
17 meeting to public comment.

18 Can you go grab the list of questions
19 from Mary.

20 I believe Mr. Doug LaVine was the first
21 question. Doug, if you want to join us at the podium
22 in the back.

1 MR. LaVINE: If I can give you those.

2 MR. SUMMERS: We will go through the list of
3 questions for the people requesting answers to
4 questions in the order they were received. If you want
5 to ask questions or come up with an idea during the
6 meeting, the form is in the back, please fill them out
7 and pass them up here.

8 Doug, good to see you again. How are
9 you?

10 MR. LaVINE: Thank you very much, Evan.
11 Thank you for having us here. I'm glad to see a good
12 turnout.

13 Can you hear?

14 MR. SUMMERS: Yeah.

15 MR. LaVINE: Okay. I had previously
16 submitted to you guys July 11th, about that time --

17 MR. SUMMERS: Doug, can you please give your
18 name and spell it and address.

19 MR. LaVINE: Doug LaVine, 4N386 Ridgewood
20 Avenue, Bensenville.

21 MR. SUMMERS: Can you spell LaVine for the
22 court reporter.

1 MR. LaVINE: L-a cap V-i-n-e.

2 MR. SUMMERS: Thank you.

3 MR. LaVINE: Thank you. So I won't pose any
4 questions, just a few responses from you. This
5 involved -- we had the highway department had just
6 repaved all of our streets, so, you know, we are very
7 concerned about all the crosscuts and what our streets
8 will look like from just a bunch of patch-up paving. I
9 understand a lot of the project is going to be cutting
10 the edges of the streets and then you are just going to
11 patch them, So you know what that's going to look like
12 all over the subdivision because you are affecting
13 every street and will be crisscrossing from one home to
14 the other on both sides, lot of cuts. And so, you
15 know, again, \$4 million is spent on repaving these
16 streets, so who's going to make those streets look like
17 they were before?

18 MR. SUMMERS: So your question is: Who will
19 make the streets look like they were before?

20 MR. LaVINE: Correct, whether you do a
21 repaving or skin paving or whatever, or a very heavy
22 black coat so we don't see a bunch of lines, you know,

1 we care about the aesthetics, of course. It's just
2 going to look absolutely crappy.

3 MR. SUMMERS: I'll let Mr. Caracci answer
4 that question.

5 MR. CARACCI: As far as the restoration of
6 the roadways, that would be our responsibility to
7 restore the roadways. Again, our intent at this point
8 is to try to stay out of the roadways as much as
9 possible. A lot of the water main will be outside of
10 the roadway pavement, and we are going to utilize
11 directional drilling for a lot of the services so that
12 we can go underneath the roadway; but where that
13 roadway is interrupted, there will be some times,
14 especially around the connections, we will patch it and
15 we can consider as part of the project to do a seal
16 coat over the top of it. It's not our intent to repave
17 the entire street and do a full overlay at this time.

18 MR. LaVINE: Is it possible to do a heavy
19 seal coat that will cover up these marks?

20 MR. CARACCI: That is possible. That is
21 something we can consider as part of the final
22 deduction.

1 MR. LaVINE: Okay. Question No. 8, what
2 will be the life of the new system; and when I looked
3 up the life of the system we have now, this pipe, it's
4 70 to a hundred years, and you stated that it's 50 to
5 70 years. Fifty years is really kind of, you know,
6 short. Aren't we at a hundred years yet for pipes,
7 technology?

8 MR. SUMMERS: To be clear, is your question:
9 Aren't we at a hundred years for pipe?

10 MR. LaVINE: The quality of the pipe that
11 you are going to be putting in, how can it last only 50
12 to 70 years when the other pipes stated in the
13 literature that they last for 70 to a hundred years?

14 MR. SUMMERS: Can I ask to rephrase your
15 question as: What is the lifespan of the pipes that
16 will be put into the ground?

17 MR. LaVINE: Yes. Yes.

18 MR. CARACCI: The lifespan that we are using
19 these days is 50 to 70 years. That doesn't mean they
20 will break in 70 years. It's more what we are
21 experiencing out there. A lot of the life expectancy
22 depends on the soils that are out there. We are

1 finding that the soils in the White Pines area are very
2 corrosive, and I think that's why we are seeing a
3 little less than what we would expect.

4 MR. LaVINE: Is there a better pipe today
5 than there was 70 years ago, or is it the same pipe
6 basically?

7 MR. CARACCI: Most municipalities are
8 intending to use the same ductile iron pipe.

9 MR. LaVINE: Okay. The other question,
10 Question 9, why not finance this project over a 30-year
11 period instead of a 20-year period to help lessen the
12 burden on seniors?

13 I understand the IEPA was suggesting a
14 30-year loan; and your response was, well, you know,
15 you being a village and a municipality and if this loan
16 doesn't go through then you are going to have to go and
17 bond it and you can only do that for 20 years. So I
18 don't know why you would base it on that; why you
19 wouldn't just go back to the drawing board, rewrite
20 your numbers or whatever to do 20 years. I mean it's a
21 difference of \$300 a year for some people, 3, \$400.
22 That's a big deal for a lot of people on Social

1 Security, fixed income.

2 MR. SUMMERS: So your question is --

3 MR. LaVINE: Why aren't we doing it over a
4 30-year period instead of 20?

5 MR. SUMMERS: Thank you. I will respond to
6 that question. The Village, as I mentioned before, if
7 this IEPA loan would not be granted, we would be
8 issuing taxable bonds. Taxable bonds are issued in
9 20-year increments. So to keep apples to apples and to
10 keep the comparison match, you are doing IEPA loan on a
11 20-year term.

12 MR. LaVINE: Right. But I'm just saying
13 that there is a 30-year term available for the IEPA
14 loan. If you don't get that passed, then I'm asking,
15 or suggesting, that you rewrite for a 20-year loan; but
16 you should have taken the suggestions from the IEPA on
17 30 years, again, to lessen the burden on our residents.

18 MR. SUMMERS: Thank you. Your comment will
19 be noted for the public record.

20 MR. LaVINE: Thank you.

21 MR. SUMMERS: Do you have anymore?

22 MR. LaVINE: Yes, sir. Another question

1 was, No. 12, has the Village of Bensenville ever found
2 lead pipes present in our subdivision, and you did
3 reply that you have not encountered any lead services.

4 All right. So this was all speculation
5 with this copper and lead and solder. They haven't
6 used that stuff in decades; and as I understand it, the
7 copper that's used is connected directly to the buffalo
8 box, directly to the meter with compression fittings,
9 they are not soldered. Solder is used in the homes
10 when you are doing pipes in your home, copper tubing.
11 So I guess why the scare tactics with lead?

12 MR. SUMMERS: Can you rephrase the question
13 in a non-opinionated manner?

14 MR. LaVINE: Okay. Then why are you merely
15 suggesting that we may have lead pipes in our
16 subdivision, which does intimidate our residents?

17 MR. SUMMERS: So your question is: Has the
18 Village ever found lead in the White Pines subdivision?

19 MR. LaVINE: And your answer to that was no,
20 but yet you are talking about lead.

21 MR. SUMMERS: Are you going to answer my
22 questions for me tonight, Doug?

1 MR. LaVINE: Sir, I'm trying to get to the
2 point.

3 MR. SUMMERS: Okay. Is it safe to say your
4 question is: Has the Village ever found lead in the
5 White Pines subdivision?

6 MR. LaVINE: That's the question.

7 MR. SUMMERS: I'll let Mr. Caracci respond.

8 MR. CARACCI: We have talked to our staff
9 between your question and the questions we have from
10 Mr. Sullivan a couple weeks later. Initially when we
11 were going through our design phase, we were potholing
12 services to see if we could find lead. Most of those
13 services were in the front yard, again, which were
14 probably replaced in one of the three projects I
15 mentioned earlier in 2000, '98, and '02. We did not
16 find any lead in those services that come out to the
17 front.

18 However, during water main breaks,
19 talking to our staff who performed those water main
20 breaks, they have experienced that there are lead
21 services that have been found in the White Pines area.
22 When asked on the actual locations of those, we have

1 not documented those locations until just recently.
2 The IEPA, because of the whole lead issue in place, has
3 required every municipality to document when they field
4 find lead services in their system. We have not
5 formally field tested and found any lead services in
6 White Pines, but we know that they have existed at
7 certain locations where we have had water main breaks.

8 It's not everywhere; but if we do find
9 it, if it's lead service line or lead solder in the
10 line, we will replace that completely.

11 MR. LaVINE: Just for the record, the White
12 Pines subdivision did take it upon themselves to
13 collect approximately, I think it was, six samples in
14 various parts of White Pines and also in Bensenville,
15 and our numbers were like one, and we have one in
16 Bensenville that was three. So through our water
17 testing we have found that there is no lead contaminant
18 present.

19 MR. SUMMERS: Thank you.

20 MR. LaVINE: I would like to read my letter,
21 if I could.

22 Here we go again. Why are we here?

1 Well, we are here because of the neglect of our water
2 and sewer system by the Village of Bensenville. For
3 the past 20 years, not one pipe replaced since, but
4 they just keep repairing and repairing.

5 The Village has chosen the wrong side
6 to communicate with while supporting a group that just
7 wants to destroy not only our subdivision, our civic
8 association that has been in existence for over 70
9 years, but our current way of life by bombarding our
10 residents with e-mails using the W.P.C.A. database they
11 took when they resigned from our board to create
12 confusion, misinformation throughout our community.
13 They also shut down the association website.

14 The civic association has represented
15 our White Pines members for 70 years. I feel that the
16 Village of Bensenville has lost respect for us, and all
17 they care about is the \$20 million net taxable value of
18 our properties collectively and annexing White Pines to
19 collect well over \$300,000 a year in taxes and a lot
20 more in permits, fees, fines, and so on so they can
21 spend more money.

22 The Village currently has created too

1 many TIFs, tax increment financing districts, which are
2 used to leverage new property taxes generated by
3 specific public projects in a specified area, and
4 allowing them to borrow future tax dollars from all the
5 properties in the TIF District that they created. TIFs
6 were originally created for the purpose of fixing up
7 dilapidated areas, but many cities and villages are
8 abusing this and using them for almost everything.
9 These new dollars won't be there later to help cover
10 the growing thirst of spending.

11 I stated about thirty years ago and
12 three years ago that the majority of residents do not
13 want to annex. It's why many residents chose this
14 wonderful, quiet place to live and call their home,
15 with low taxes and a government not loaded with 400
16 fees and fines and ever-changing ordinances. We have
17 many residents on fixed income. That still holds true
18 today. It's not that we don't love our small town of
19 Bensenville; we do.

20 Some have made statements that we are
21 anti-Bensenville because we won't annex, period. We
22 support the many businesses. We spend our money all

1 over town. We support and pay local taxes to our
2 school district, library, our park district, Addison
3 Township, and DuPage County. We love our fire
4 district, which has a much lower tax rate; our township
5 highway department, which takes care of our streets
6 better than Bensenville takes care of theirs. We love
7 our sheriff's department and the fact that we do not
8 have to pay the huge tax that comes with the Village of
9 Bensenville's police and fire services.

10 But here we are again with this ongoing
11 water issue because the Village of Bensenville refuses
12 to do the right thing and replace our water mains with
13 the revenue and the water sewer funds, like you do to
14 the village and the village residents. We paid much
15 more in water/sewer bills than any residents in the
16 Village of Bensenville, but the Village of Bensenville
17 has to bring up annexation every time. This pits our
18 neighbors against each other, also while trying to
19 divide us and create panic within our community. I'm
20 fed up with it and so are many residents.

21 This project should not have been --
22 should not involve funny numbers and talk of

1 annexation. The Village of Bensenville was handed our
2 water system by a developer 70 years ago, and the
3 Village of Bensenville accepted the responsibility and
4 liability of that decision to properly maintain our
5 system and replace water mains and/or sewer mains when
6 needed.

7 The Village of Bensenville still thinks
8 we should pay for our water mains to be replaced. What
9 a joke. The fact that the Village of Bensenville is
10 currently taking in over half a million dollars a year
11 from White Pines residents and asking us now to give
12 you another \$12 million over 20 years is unbelievable
13 and wrong. Enough is enough. Like I said to Frank
14 when he was at the meeting, you got 50 percent of the
15 work done; let's get the loan and let's get the rest of
16 the things done once and for all.

17 Now, after your proposal to the
18 residents months ago at Blackhawk School auditorium,
19 and because some residents may not have come and picked
20 up their two-page -- or went there to get their
21 two-page spreadsheet, you felt that you should have
22 some other right to come into our neighborhood, solicit

1 your propaganda, which has been misleading from the
2 get-go, when you could have just mailed them to our
3 homes. We understand that you chose the border of our
4 subdivision first to conquer and sell them on annexing.

5 The IEPA application has so many funny
6 numbers that are completely inaccurate, like the water
7 usage; the population; the N.H.I., the median household
8 income of 82,000, which applies to DuPage County that
9 has 55 other ZIP codes instead of using 60106, which
10 states 52,000 to be the correct number. The Village of
11 Bensenville states that they own the system. That
12 includes both incorporated and unincorporated.

13 What do you think, let's do half of the
14 system now, maybe another half in ten years, we got
15 time, or finance it through your water/sewer revenues?
16 We know you have it.

17 The Bensenville residents have been
18 getting -- the White Pines residents have been getting
19 screwed by the Village for 70 years by not financially
20 supporting the installation of our water mains just
21 like you do in the village. We are paying 50 percent
22 more than any resident of Bensenville, and that extra

1 50 percent surcharge money is now going into the
2 General Fund, and some have stated we don't pay our
3 fair share. Really?

4 You also created misinformation by
5 trying to scare residents into believing we have lead
6 pipes in our subdivision or the solder they use is
7 lead, which is completely inaccurate.

8 Also stated in the IEPA application
9 documents, residents electing the incorporated, quote,
10 annexation/pre-annexation rate structure will begin
11 paying property taxes to the Village of Bensenville.
12 This is false. It only applies strictly to annexation
13 agreements if you are contiguous, however, that was not
14 very clear. So people -- I wonder if people were
15 misled by that statement and they signed pre-annexation
16 agreements thinking they were going to get a deal when
17 they are not because they are not contiguous.

18 There is nothing to address the 20-year
19 ordinance waiver that must be placed on the property
20 deed in order to be binding. I feel that the Village
21 of Bensenville should make available all documents,
22 including the 400-page project design that you can only

1 look at if you go into the village and sit down for a
2 few hours. It's not fair that many residents cannot do
3 this because of limitations and, therefore, should be
4 simply available online without restriction.

5 The Village of Bensenville has taken in
6 revenue from White Pines of over \$40 million. That's
7 right. That's a fact, \$40 million over 70 years. I
8 have provided a chart to try to show you what's
9 happening, and I would like to explain it if you can
10 pull up your charts.

11 In the documents that were supported,
12 especially the 89-page document, which is on our
13 website, the numbers change from one page to another.
14 We talk 4,000 gallons, 4,500 gallons, so what's the
15 real usage? So in doing my research, through the
16 numbers that you guys have stated, if you look on the
17 top in the pink section, Village of Bensenville annual
18 water usage, gallons, 540 million gallons were sold.
19 You said 64 percent of it is residential water users;
20 that's the 345 million. You told me there were
21 thirty-nine twenty-eight as far as the residents. We
22 divided that, and then we averaged -- we divided that

1 again in the 12 months and we came up with really
2 seventy-three nineteen. But I put 4,500 in here
3 manually just to show what the current rate is right
4 now with 4,500 and the current water rate and the
5 current sewer rate and the current debt service and so
6 on, and you can see the numbers as you go down. We
7 multiplied this by 267 users, and we found \$448,000
8 were annually collected, and then over 20 years, 8.9
9 million would be collected in that kind of time period.
10 So we know that you must have made quite a bit of money
11 to be able to replace these pipes.

12 If you turn the page over, let's talk
13 to what -- the number I got, the seventy-three
14 nineteen, again, I explained where I got it from; and
15 so I'm coming up with 7,300 gallons basically on usage.
16 Well, here's the problem. You are selling the project,
17 let's say, for 45, right, if you turn the page back
18 over, the 45, up in the pink section, the revenue for
19 4,500 gallons with the water and sewer would be the 8.9
20 million. That's a little bit over than what you really
21 need for that. If you look down in the pink section on
22 the bottom, the total IEPA loan obligation after the

1 discounts is 6.9 million. So you are a little bit over
2 there. Well, if you go to 7,300 gallons, which is the
3 average I'm finding, it really comes to about thirteen
4 nine, almost \$14 million.

5 So, let's see, these water usages on
6 this side of the page, Page 2, that twelve fifty that
7 you are seeing on the debtors and the water -- the
8 twelve fifty per thousand and the sewer, the ten
9 sixty-one per thousand, these are all the additional
10 numbers, the new numbers, that you guys are going to
11 charge us when this slowly goes through. This will
12 become the additional cost only. It does not include
13 current water rates.

14 So, as you can see, just by the loan
15 numbers alone, you are asking -- by the time you get
16 done paying this off in 20 years, you will have made
17 13, \$14 million instead of the 69 -- 6.9 million that
18 you really need. Okay?

19 So because of the many unknowns, I
20 propose that the IEPA not be approved at this time and
21 that -- until all parties are satisfied and that you
22 rework the IEPA loan and not go into a bond. You

1 simply need to sit down and talk to us and work with us
2 and we work the numbers and we talk and we talk and we
3 communicate. That's what I would appreciate. Thank
4 you very much.

5 MR. SUMMERS: Thank you for your comments.

6 The next member of the public will be
7 Christopher A. McCullough.

8 Mr. McCullough, please state your name,
9 spell it, and then provide your address for the court
10 reporter.

11 MR. McCULLOUGH: Sure. My name is Chris
12 McCullough, M-c-C-u-l-l-o-u-g-h. My address is
13 829 Brentwood Drive.

14 I have two questions. My first
15 question is: Should the residents of White Pines
16 choose to annex, can a resident incorporate into the
17 village at a later date or must it occur at the point
18 in time the annexation agreement is made?

19 MR. SUMMERS: So there is a couple ways I'll
20 try to go through this. The pre-annexation agreement
21 can be signed at any time. The annexation agreement
22 will then be formed once that property becomes

1 contiguous, and then the village board would have to
2 approve the annexation at that time. It's about a
3 three-step process.

4 The Village of Bensenville will accept
5 pre-annexation agreements at any time, and we will
6 review annexation as it becomes contiguous. That's
7 village wide, not just here in White Pines.

8 MR. McCULLOUGH: My next question is: There
9 have been numerous water main breaks recently. Will
10 this project address those problems?

11 MR. SUMMERS: Joe, you take that one.

12 MR. CARACCI: It is the intent of this
13 project to update the existing water system. So if the
14 existing water system breaks due to its age and due to
15 its condition, by replacing the old water mains, we
16 anticipate that we would see dramatic decrease in the
17 water main breakage.

18 MR. McCULLOUGH: Thank you.

19 MR. SUMMERS: The next speaker will be
20 Mirabel [phonetic] -- I apologize for this -- Irizarry
21 [phonetic] of 842 Pamela Drive. I don't see Mirabel.

22 (No response.)

1 MR. SUMMERS: Mr. Paul DeMichele.
2 Mr. DeMichele, you are well known to some of us in
3 here, but please spell your name and then provide your
4 address.

5 MR. DeMICHELE: I'll go through the steps.
6 My name is Paul DeMichele, that's capital D-e capital
7 M-i-c-h-e-l-e. I live at 17W275 Rodeck Lane. I
8 have --

9 MR. SUMMERS: Can you please provide the
10 city on that.

11 MR. DeMICHELE: Well, the ZIP code is
12 Bensenville, 60106.

13 MR. SUMMERS: So the mailing address is
14 Bensenville 60106. Okay.

15 MR. DeMICHELE: Is that enough?

16 MR. SUMMERS: Your question on documents?

17 MR. DeMICHELE: I'm going to make a little
18 statement first.

19 I've been a member of the White Pines
20 Water Committee for several years. On June 19, 2019, I
21 submitted a Freedom of Information Act for any and all
22 correspondence on the White Pines water project between

1 the dates of January 1st and June 18th, 2019. I
2 received 450 pages on this response.

3 On July 19th I visited the public works
4 department and reviewed the documents that they had on
5 display for the public. These questions are based on
6 and supported by those documents.

7 MR. SUMMERS: So that was your statement?

8 MR. DeMICHELE: That's the statement. Now
9 here come the questions.

10 MR. SUMMERS: Thank you.

11 MR. DeMICHELE: I'm going to read the
12 questions in and give you a hardcopy because I don't
13 believe you will have time to answer these.

14 This is probably repeating, but what
15 are the number of lead pipes found and the addresses
16 that they were at?

17 How many homeowners did they correspond
18 with?

19 There was some correspondence between
20 the village and Tom Early regarding the location of his
21 water line, how he wanted to have it on one side of his
22 house to avoid his concrete driveway or his garden or

1 something. There was some back and forth, and I'm
2 wondering how many other White Pines homeowners did the
3 Village correspond with?

4 It was suggested to hold the meeting at
5 Fenton or Blackhawk to facilitate volume. You picked
6 the Bensenville Village Hall. Why?

7 What is the number of annexation
8 petitions signed and when?

9 How many households have actually
10 annexed?

11 In the 450 pages that I read, most of
12 the correspondence was between Brian Welch and
13 Christopher Burke and Chris Nifong of the IEPA. How
14 many hours did Joe Caracci work on it, and what was the
15 product?

16 There is \$20,000 for a construction
17 trailer. Who would use it and where would it be?

18 As of July 19th there were no drawings
19 for user water lines. When will they be done?

20 There was no survey done of residents.
21 What record of consent do you have?

22 How will payment be enforced?

1 There are 267 White Pines residents on
2 water lines. In the quantity list, they only show 226
3 lines being installed. Why?

4 What process does the Village of
5 Bensenville claim ownership of the White Pines water
6 system the residents pay for? In other words, what
7 mechanism is going to give you the ownership of it?

8 In the June 21, 2019, letter from Evan
9 Summers, the average water rate for a White Pines
10 resident who annexed was \$161.40. For a White Pines
11 resident who did not annex, the rate was 137.50. In
12 the project plan report, the rates for incorporated
13 White Pines was \$195.37 and the unincorporated White
14 Pines was \$230.93. Which is correct?

15 I'll give you a copy of these.

16 MR. SUMMERS: So to be clear, for tonight's
17 meeting you are going to submit those questions for the
18 public record and we will reply to those at a later
19 date in writing. Is that acceptable to you?

20 MR. DeMICHELE: My statement is I took the
21 time to put the questions in writing, and I am seeking
22 a response in writing.

1 MR. SUMMERS: Thank you.

2 MR. DeMICHELE: And my final comment is this
3 project is ill-conceived and punitive.

4 MR. SUMMERS: Thank you.

5 The next speaker will be Jill Whitney
6 [phonetic]. Is there a Jill Whitney?

7 (No response.)

8 MR. SUMMERS: The next speaker will be
9 Catherine Tornabenny [phonetic]. Is there a Catherine
10 Tornabenny?

11 (No response.)

12 MR. SUMMERS: The next speaker will be
13 Claudia -- I'm having a difficult time reading the last
14 name and no address was provided.

15 MS. DUQUENE: My name is Claudia Duquene,
16 D-u-q-u-e-n-e. I'm at 4N241 Pine Grove Avenue,
17 Bensenville, 60106. I've been a White Pines resident
18 for about two years; and when I purchased my home, no
19 one told me there was a water issue.

20 All of those questions that were
21 submitted to you by the previous speaker, those need to
22 be answered publicly so that everyone can know what the

1 answers to those questions are.

2 My question to you is: Why is there a
3 difference between the number of lines and the number
4 of residents in White Pines? Is every White Pines
5 resident going to be responsible for the payment of
6 this sewer system?

7 MR. SUMMERS: So your question is --

8 MS. DUQUENE: Is every White Pines resident
9 responsible for the payment of this water system?

10 MR. CARACCI: Yes. The White Pines water
11 system improvements will improve the property values of
12 all homes in the subdivision --

13 MS. DUQUENE: I didn't ask about
14 improvements. I asked if every person who owns a piece
15 of White Pines property is going to be responsible for
16 the payment of the improvement of this water system?

17 MR. CARACCI: Yes.

18 MS. DUQUENE: Every resident on every street
19 in White Pines?

20 MR. SUMMERS: There is one caveat in that
21 situation; and that would be if it is a vacant lot that
22 does not have water service that is unincorporated,

1 that would not be affected by this.

2 MS. DUQUENE: There is 267 residents; is
3 that correct?

4 MR. CARACCI: 267 parcels in the White Pines
5 subdivision.

6 MS. DUQUENE: Parcels. And there is only
7 230 some odd that are going to be -- need the water
8 system. So that means there is 30 lots that have no
9 water to them; is that correct?

10 MR. CARACCI: No. So there are lots that do
11 not have water to them, but the services that were --
12 the quantity of services in the plans at this point do
13 not necessarily mean that every resident who has a
14 current service is going to have that service line
15 replaced. Does that make sense?

16 MS. DUQUENE: Yes and no. I mean it does
17 because you are not going to pay for the part going to
18 the property; but we are not paying just for the part
19 going to our property, am I correct, we are paying for
20 even the main lines?

21 MR. CARACCI: That's correct.

22 MS. DUQUENE: So if they live in

1 White Pines, they access those main lines, which means
2 they should also be responsible for payment of those
3 lines.

4 MR. CARACCI: I agree.

5 MR. SUMMERS: And they would be responsible
6 for that payment via one of the two options: Either
7 the increased water rate or, through annexation to the
8 village, the new incremental tax revenue would be
9 pledged toward the debt service of this project.

10 MS. DUQUENE: Okay. You also talked about
11 corrosive soil in White Pines. Does that mean that
12 corrosive soil exists only in White Pines or is it in
13 all of Bensenville?

14 MR. CARACCI: It is in certain areas of
15 Bensenville that we have problems with soil. I can't
16 tell you the condition of every piece of dirt in
17 Bensenville; but in the area that we have done water
18 main repairs, we have found corrosive soils in certain
19 areas of Bensenville.

20 MS. DUQUENE: Okay. Who has final say-so in
21 where those pipes go from the house to the main water
22 line; do you as the water commissioner, the person who

1 is doing the plans, or the homeowner?

2 MR. CARACCI: Ultimately we are going to be
3 meeting with each homeowner to talk about what we felt
4 was the best location. We are trying to look at the
5 service line relocations from a standpoint of what
6 makes the most sense, what's the least amount of
7 disruption, and where we see an opportunity to put in
8 the water main.

9 MS. DUQUENE: Okay. And if you disrupt
10 something on the property, who is responsible for
11 restoring it to its original condition?

12 MR. CARACCI: That would be part of the
13 project. We would be restoring to as good or better
14 condition than what is there.

15 MS. DUQUENE: Okay. And I understand you
16 have not sent a bid out to bid the project?

17 MR. CARACCI: We cannot send the bid out
18 until we get approval from the IEPA of the final plan.

19 MS. DUQUENE: Okay. Then how do we know
20 it's going to cost \$8 million?

21 MR. CARACCI: Engineer's estimate.

22 MS. DUQUENE: That's a best guess that

1 that's the cost?

2 MR. CARACCI: It's a professional engineer's
3 estimate.

4 MS. DUQUENE: Could it come in less than
5 that?

6 MR. CARACCI: It absolutely can.

7 MS. DUQUENE: Could it come in more than
8 than that?

9 MR. CARACCI: It absolutely can.

10 MS. DUQUENE: And if it does come in more
11 than that, what do we do about the difference?

12 MR. SUMMERS: It would probably be
13 transferred into the project cost.

14 MS. DUQUENE: So then it's passed back along
15 back to us?

16 MR. SUMMERS: That would be correct.

17 MS. DUQUENE: Okay. And how are you
18 entertaining bids on this? Who gets the final say-so?

19 MR. CARACCI: So once the project has been
20 approved by the EPA, the plans and specifications have
21 been approved by the EPA, we will publicly go out and
22 advertise the bids like we do every other project.

1 There are certain requirements in the EPA loan process
2 that we have to bid it in a local paper as well as, I
3 believe, a more regional paper, if I remember correctly
4 from our previous IEPA loan. So it will likely be in
5 the Chicago Tribune as well as the Daily Herald. We
6 also advertise everything in the Independent. So it
7 would be publicly advertised in the paper.

8 MS. DUQUENE: And we will be notified when
9 that advertisement goes out?

10 MR. CARACCI: We definitely can notify the
11 residents, yes.

12 MR. SUMMERS: We will post the
13 notification --

14 MS. DUQUENE: And who decides then on the
15 final bid?

16 MR. SUMMERS: The lowest and most qualified
17 bidder.

18 MS. DUQUENE: Who decides if he gets it or
19 he gets it?

20 MR. CARACCI: It would be the lowest-priced,
21 most-qualified bidder.

22 MS. DUQUENE: And who decides the lowest

1 price, you as our governing board?

2 MR. CARACCI: We would be making the
3 recommendation to the EPA. If they had any issues with
4 the final contractor, which they typically don't
5 because they don't know all the contractors in the
6 Chicagoland area --

7 MS. DUQUENE: Okay.

8 MR. CARACCI: They have to pass certain
9 criteria, go through all the background checks and
10 things like that. If everything works out well and
11 they are considered responsible and they are the low
12 bidder, they would be recommended for approval.

13 MS. DUQUENE: Is any of this project
14 overlapping into Bensenville proper?

15 MR. SUMMERS: Some of the properties that
16 will be impacted by this project have annexed into the
17 village.

18 MS. DUQUENE: That wasn't my question. My
19 question is: Is any of this rehab project of the water
20 system going into Bensenville proper? In other words,
21 are you replacing any of your water lines in
22 Bensenville along with this project?

1 MR. SUMMERS: Some of the properties in the
2 project area are incorporated Bensenville properties,
3 so they will be part of the project area, yes. The
4 term Bensenville property, I believe you mean the
5 corporate limits of Bensenville.

6 MS. DUQUENE: Correct, the corporate limits
7 of Bensenville.

8 MR. SUMMERS: So the project area is west of
9 Church Road, south of Third.

10 Does that answer your question?

11 MS. DUQUENE: It does.

12 One more question. Why can we not do
13 30-year loan again? Just because you want to float a
14 20-year bond? How about if we float a 40-year bond?
15 You say they are 20-year increments, which I
16 understand, so instead of doing a 20-year bond, do a
17 40-year bond or a 30-year loan.

18 MR. SUMMERS: The Village of Bensenville
19 does not have any existing debt that extends beyond 20
20 years. We are not prepared to extend debt beyond 20
21 years at this time.

22 MS. DUQUENE: But aren't we -- We are not

1 Bensenville. We are White Pines.

2 MR. SUMMERS: So the Village of Bensenville
3 is extending our credit, our good investment grade
4 credit, to get this loan. The residents of White Pines
5 are not eligible to apply for an IEPA loan. You are
6 not a community water supplier, you are not a municipal
7 community government; the Village of Bensenville is.
8 We are essentially using our credit to get this rate
9 for you. So it is the Village of Bensenville's debt.
10 The repayment structure will be repaid through either
11 the increased water rates or the incremental taxes from
12 annexation.

13 MS. DUQUENE: Thank you. And all those
14 questions will be answered back to all of us as
15 residents how?

16 MR. SUMMERS: Yeah. We will post -- There
17 is a lot of those questions that Mr. DeMichele gave
18 us.

19 MS. DUQUENE: Right.

20 MR. SUMMERS: We will post our responses to
21 the White Pines Water Main portal, which is on the
22 front page of the Village of Bensenville website.

1 MS. DUQUENE: Okay.

2 MR. SUMMERS: So go to the bottom, White
3 Pines portal. That's kind of, just so you know, that's
4 our repository for everything we send to you, is also
5 posted on there.

6 The next member of the public to speak
7 will be Mr. Christopher Colon.

8 MR. COLON: Hello. My name is Christopher
9 Colon, C-o-l-o-n. I live at 17W047 White Pines Road,
10 Bensenville, unincorporated area.

11 MR. SUMMERS: Thank you.

12 MR. COLON: My question is: Who owns the
13 pipes today?

14 MR. SUMMERS: The Village of Bensenville is
15 not making a claim of ownership on those pipes. That's
16 what I can answer.

17 MR. COLON: So if you are not making any
18 claim of ownership today, why are you making a claim of
19 ownership after we pay for them?

20 MR. SUMMERS: I'm confused on the question.

21 MR. COLON: You are expecting White Pines
22 and White Pines is not acting -- I'm not speaking for

1 all White Pines residents. I'm speaking on behalf of
2 myself.

3 You are expecting White Pines to pay
4 for this project; is that correct?

5 MR. SUMMERS: The debt service will be paid
6 through revenues generated from the project area.

7 MR. COLON: Which are the unincorporated
8 White Pines residents, right?

9 MR. SUMMERS: And some incorporated
10 residents would pay in. The project area is described
11 as south of Third, west of Church, east of 83.

12 MR. COLON: What percentages are -- have
13 annexed compared to the unannexed area?

14 MR. SUMMERS: Your question is: What
15 percentage of homes have annexed? I do not have that
16 number. If you would like me to answer that at a later
17 date, I can mail you that answer.

18 MR. COLON: We have a majority have not
19 annexed.

20 MR. SUMMERS: I would agree with that,
21 correct.

22 MR. COLON: Then why are you claiming

1 ownership after we pay for it?

2 MR. SUMMERS: The Village of Bensenville as
3 a public utility has a right to install water mains in
4 the public right-of-way. Once installed, the Village
5 will own the proposed water system.

6 MR. COLON: Right, and so will I. I can
7 proclaim that. It doesn't make it happen.

8 Why are you proclaiming that you will
9 own it when you expect us to pay for it? That's all.
10 It's a simple question.

11 MR. SUMMERS: We are a public utility.
12 That's the answer.

13 MR. COLON: But we are paying for it. You
14 don't own it today. You are not making any claim of
15 ownership today, correct? You just said you are not
16 making any claim of ownership but you are a public
17 utility --

18 MR. SUMMERS: I am not making a claim of
19 ownership either way.

20 MR. COLON: If you are not making a claim of
21 ownership and you are a public utility in law, then
22 what makes it, after we have installed new pipes that

1 we paid for -- all of a sudden creates an ownership
2 interest for you?

3 MR. SUMMERS: Those new pipes, as you said,
4 will be installed by the Village of Bensenville to
5 village standards and practices. The current system in
6 the ground right now is not all up to the Village of
7 Bensenville standards, nor did we put those in the
8 ground.

9 MR. COLON: Right. And we are paying for it
10 so it's ours -- that's all I'm trying to say -- isn't
11 it?

12 MR. SUMMERS: That's a comment that I'm not
13 going to respond to. If you would like that entered
14 into the record, that's fine. That's your comment.

15 MR. COLON: Thank you. So I don't
16 understand. Isn't the loan application, IEPA, the
17 term, isn't it based upon the age or life expectancy of
18 the actual pipes?

19 MR. SUMMERS: Not necessarily. The debt
20 issuance does not have to match the depreciation
21 schedule.

22 MR. COLON: But the IEPA application, can

1 you apply for a 30-year loan?

2 MR. SUMMERS: It would be possible to apply
3 for a 30-year loan.

4 MR. COLON: And our pipes, I think you just
5 stated, will last 50 to 70 years, right?

6 MR. SUMMERS: Yes, we have stated that
7 previously.

8 MR. COLON: So our pipes are going to last
9 for 50 to 70 years. What's wrong with getting a
10 30-year loan? We have plenty of give within the term.

11 MR. SUMMERS: The length of term was decided
12 administratively. The Village of Bensenville does not
13 have any debt that extends beyond 20 years, and we are
14 not prepared to extend it beyond that at this time.

15 MR. COLON: Yeah, but you are also asking
16 for annexation. It looks like you are forcing
17 annexation on us, right? Doesn't it look it?

18 MULTIPLE VOICES: Yes.

19 MR. SUMMERS: We are not forcing annexation.
20 We have provided two opportunities to homeowners,
21 whether they want to pay an increased water rate or
22 voluntarily annex.

1 MR. COLON: Right. You are asking
2 homeowners to pay a voluntary increase that basically
3 triples your bill or voluntarily annex. Is that a
4 volunteer? Does that sound voluntary?

5 MULTIPLE VOICES: No.

6 MR. SUMMERS: There are two options on the
7 table that are provided every resident in White Pines.

8 MR. COLON: Do you think those options are
9 fair?

10 MR. SUMMERS: I'm not going to speculate on
11 conjecture and opinion.

12 MR. COLON: You won't speculate whether
13 triple the water rate or annex to you is fair?

14 MR. SUMMERS: I'm not here to be a moral
15 judge and decide what I think is fair. That doesn't
16 matter.

17 MR. COLON: Why do all the pipes -- Some of
18 this is being repeated, but I would like the answers.
19 Why do all the pipes need to be replaced now instead of
20 10 years from now or 20 years from now?

21 This project has been going on -- this
22 issue has been going on for decades; is that correct?

1 MR. SUMMERS: Yes, there have been issues on
2 the water system in White Pines for decades. I agree.

3 MR. COLON: Right. And the replacement has
4 been around for decades, right?

5 MR. SUMMERS: The Village has replaced some
6 of those water mains over that time.

7 A VOICE: [Inaudible].

8 MR. COLON: Then why aren't you doing this
9 piecemeal? Why are you ramming this down our throats
10 now?

11 MR. SUMMERS: We have made the
12 administrative decision, and the IEPA has tentatively
13 agreed with us that this is a project scope that has
14 been exposed and accepted.

15 A VOICE: Accepted by who?

16 MR. BRUEN: If you are talking from the
17 audience, there is a court reporter trying to take
18 testimony. He is giving testimony. People in the
19 audience are not. We would ask that you not comment
20 when he is giving comment because that's not being
21 taken down and can confuse the court reporter.

22 MR. SUMMERS: Mr. Colon, you can continue.

1 MR. COLON: Okay. For decades is it true
2 that White Pines residents unincorporated have been
3 paying into the two funds, the water capital home
4 improvement fund and the unincorporated improvement
5 fund?

6 MR. SUMMERS: Due to pending litigation
7 brought by members of this audience, we are not
8 prepared to answer that statement.

9 MR. COLON: Wow.

10 MR. SUMMERS: I want to answer as many
11 questions. This is getting too close to the current
12 lawsuit that we are engaged in.

13 MR. COLON: The lawsuit shouldn't matter at
14 all because if we are paying into the water fund for
15 decades, then that means that we already paid for this
16 project. What's happening is we've been paying into
17 that fund -- every time you get your water bill, we pay
18 into to replace those pipes. What's happening is
19 Bensenville has not been taking that money for White
20 Pines residents. What they have been doing is taking
21 that money, our money, what we spent, what we paid
22 them, and using it on their Bensenville projects; and I

1 don't know why. No one knows why.

2 As a matter of fact, you did something
3 sneaky I believe two years ago where you -- Take a look
4 at your old water bills, around three, four years ago.
5 You will find a separate line item for capital
6 improvement. About two years ago -- and if it's in
7 litigation, whoever is suing you should take notes --
8 about two years ago you combined that capital
9 improvement with the water bill so there is no more a
10 line item for capital improvements.

11 By the way, why did you do that? Why
12 did you include the capital improvement -- Bensenville
13 capital improvement as part of the water bill, combine
14 it and not as a separate line item?

15 MR. SUMMERS: I think we have already
16 answered that one, so we'll read our statement, and
17 that will be it.

18 This is done to simplify the rate
19 structure and conform with industry best practice
20 similar to other water utilities in the area.

21 MR. COLON: You didn't answer the question.
22 That's not even close. That's not even close. Okay.

1 Now I'm talking about the other
2 unincorporated fund that we have been paying to for
3 years. Why did you recently, or a couple of years ago,
4 stop the residents from contributing a small amount
5 every month? Why did you stop that practice?

6 MR. SUMMERS: Due to pending litigation, I'm
7 not going to be able to respond to that one.

8 MR. COLON: Wow. Wow.

9 MR. BRUEN: That's the same question you
10 just asked.

11 MR. COLON: No, it's actually a different
12 question.

13 MR. BRUEN: It actually isn't. Next
14 question.

15 MR. COLON: You see what's happening? It's
16 almost death by a thousand cuts. It's not just one
17 issue. If you pile in that we had separate water
18 bills, separate line items, one for unincorporated
19 residents, one for the residents of Bensenville, and
20 White Pines residents were paying into both, you add in
21 -- you don't want to do all this project all at once,
22 you add in the, hey, let's do a 20-year loan, shorter

1 term, higher price, force them to annex, the only
2 logical conclusion is you are forcing us to annex.
3 Walks like a duck, it's the same adage.

4 So this whole thing is a facade to
5 triple the water rate -- By the way, are most residents
6 in White Pines senior citizens?

7 MR. SUMMERS: I don't have an answer to
8 that. I'm not sure.

9 MR. COLON: You don't know? That's how much
10 you care about the White Pines residents, you don't
11 know that most residents in our community are --

12 MR. SUMMERS: If your question is what
13 percentage of White Pines residents receive a senior
14 citizen rate or something?

15 MR. COLON: How about this, how about this:
16 How many residents are above the age of 65?

17 MR. SUMMERS: I don't have that information
18 tonight. Are you asking for a written response to that
19 question?

20 MR. COLON: Yes, please.

21 MR. SUMMERS: So we will provide a written
22 response to what percentage of White Pines residents

1 are over the age of 65. Correct?

2 MR. COLON: Yes.

3 MR. SUMMERS: Okay. Thank you. I don't
4 know if we have that data.

5 MR. COLON: By not using any funds from the
6 Bensenville capital fund that we have been contributing
7 for decades, applying for a 20-year loan instead of a
8 30-year loan, by your own admission sounds like for no
9 good reason, especially when our pipes last for 50 to
10 70 years, well beyond the term of the loan, forcing the
11 entire project at once -- What's the emergency?
12 Seriously. They have been yelling emergency for years.
13 Where is the emergency?

14 Again, the only logical conclusion is
15 what you are raising throughout this hearing, it's just
16 annexation, annexation, annexation, annexation. There
17 are no other options. You are tripling the rate on
18 seniors. Stop and think for a second.

19 MR. SUMMERS: Thank you. Your questions
20 will be reflected in the record.

21 Moving right along, the next member of
22 the public to speak will be Ms. Gina Mellenphin.

1 MS. MELLENPIN: Can I speak at the end? Is
2 there anybody else?

3 MR. GARDNER: I'll go.

4 MR. SUMMERS: We are going to have Mr. Gary
5 Gardner speak.

6 MR. GARDNER: Hello. My name is Gary
7 Gardner, G-a-r-d-n-e-r, 17W131 Woodland Avenue, 60106.

8 I was born and raised in White Pines
9 and moved back here 25 years ago so my aging
10 twice-widowed mother could spend her golden years in
11 her dream home that she and my father built back in
12 1953 in what is formally known as Meisner's [phonetic]
13 addition to White Pines. She and I, like so many other
14 White Pines residents, plan to live here in our little
15 Eden for as long as we are capable. Unfortunately,
16 either of Bensenville's two options for our water will
17 soon drive scores of us out of our homes, especially
18 seniors and those on a fixed income. With this massive
19 long-term financial burden attached to their
20 properties, homes will be harder to sell, ultimately
21 lowering the value of all our homes.

22 So how did we get here? Back in the

1 late '40s, the developer Branager [phonetic] made a
2 deal with the Village of Bensenville involving the
3 Mohawk subdivision and White Pines. Mohawk was to be
4 part of Bensenville, while Bensenville would provide
5 water to White Pines through the system he had
6 installed and they would remain unincorporated. Back
7 then Bensenville delivered well water, which was much
8 less expensive, but White Pines residents paid a
9 surcharge even then.

10 Then in 1987 the Village President
11 Geils created the Unincorporated Water Fund, which was
12 to be used exclusively for replacing water pipes as the
13 system aged. This plan was working great as the larger
14 east-west pipes were replaced in 1992 and '94 with new
15 isolation valves or moving backyard mains to the front
16 in approximately five years. That never happened, but
17 money was taken from that fund to provide a line to
18 Maiselport [phonetic], which Bensenville annexed
19 shortly after -- annexed most properties, and there was
20 other pilfering as well.

21 Even with the \$1.7 million grant that
22 our White Pines Civic Association president

1 successfully lobbied for in the late '90s, only a small
2 section of Briar Lane has been replaced in the last 25
3 years. That was in the year 2000. Our 1.7 million was
4 intercepted and used elsewhere. It is safe to say that
5 back then there was more than enough money to replace
6 whatever we needed, if not the entire system.

7 So why has absolutely nothing been done
8 for 19 years? Well, the White Pines water system has
9 for decades been the hook that Bensenville has had us
10 on. The last village president was at least honest
11 enough to admit his motive for annexation, which was
12 for increasing the housing stock.

13 While we are all sympathetic to what
14 the airport expansion has done to Bensenville, annexing
15 White Pines will not save Bensenville; but this
16 project, if allowed to continue as proposed with its
17 outrageous financial burden, will decimate White Pines.

18 I recently had a conversation with a
19 well-respected member of the Bensenville Chamber of
20 Commerce. He expressed deep concern about the lead in
21 the White Pines water system and the subsequent
22 liability for the village. Well, we have conducted

1 water tests on several properties in White Pines and
2 Bensenville proper, and I can tell you that our lead
3 levels are safer than yours.

4 Is this just a rumor, or is this just
5 another element in your campaign of deceit? Like
6 referring to those renegades, the so-called Alliance,
7 as an ad hoc group. They are nothing even close. They
8 left our civic association a year and a half ago and
9 have gone against the wishes of over 80 percent of our
10 neighborhood, who, when polled or surveyed regarding
11 possible water options, has always cried anything but
12 Bensenville. And Bensenville, time and time again, no
13 matter who is in charge, reminds us why. This group
14 has become your mouthpiece and has been poisoning our
15 neighborhood for the last year and a half with half
16 truths and outright lies as they try to discredit the
17 hard working members of the civic association. They
18 have even been trying to persuade residents not to come
19 here tonight.

20 Contrary to what the Alliance would
21 have you believe, I have never tried to keep it a
22 secret that I have a well. I was told by the village

1 president himself that, if annexed, my well would have
2 to be capped and I would have to become a Bensenville
3 water customer. Yet, there is an entire subdivision
4 where homeowners are allowed to keep their wells for
5 irrigation. Isn't that right, Mr. Summers? That's
6 your neighborhood.

7 Another concern is the impact that
8 open-cut digging will have since our streets are quite
9 narrow. Four and a half years ago when this debacle
10 resurfaced, our White Pines water committee met with
11 D-3 Engineering and Western Utilities as we tried to
12 find a viable solution that would keep us independent
13 from Bensenville. D-3 had no problem with backyard
14 mains but, more importantly, I can't understand how the
15 proposed directional boring unit price is four times
16 greater in the Burke design than our quote from Western
17 Utilities. I have some budgetary numbers that I can
18 share with you on that.

19 Skewed numbers and fuzzy math appear to
20 be the norm in this blundering village, anything to
21 stack the deck. The Village has gone back and forth
22 many times on what they were going to replace, from as

1 needed to entire system, abandon in place, et cetera.
2 I found it interesting, while the scope of the project
3 is so unclear, they know the price and they know it's a
4 price we can't swing without them. Make no mistake
5 about it, the most important element in this design is
6 a price tag that forces annexation. Has anyone ever
7 heard of value engineering?

8 Past performance should be an important
9 factor of every evaluation. Long-time White Pines
10 residents know all too well of the dubious history with
11 Bensenville regarding the water system, how they make,
12 break, change the rules that they had made as it suits
13 them. If the plan that Mayor Geils set up in 1987 had
14 been followed, none of this would be necessary.

15 The IEPA would be wise to do their own
16 due diligence while remembering how Bensenville took
17 our \$1.7 million grant only to spend it elsewhere and
18 how Bensenville gave false information on its previous
19 application to them to deceive the IEPA.

20 This plan is seriously flawed. Let's
21 put the brakes on, do a forensic audit, assemble the
22 millions that are unaccounted for, and design a project

1 around that number. As far as annexation, it's an
2 issue that should be voted on and not part of the water
3 system.

4 I have a few formal questions that I
5 would like to --

6 MR. SUMMERS: Mr. Gardner, before you do
7 that, could you make sure to submit a copy of your
8 statement so we have that in the public record as it is
9 rather lengthy?

10 MR. GARDNER: I'd be happy to.

11 MR. SUMMERS: Thank you.

12 MR. GARDNER: So on what authority does the
13 Village of Bensenville have the right to borrow
14 \$8 million to replace something it does not even own,
15 put White Pines on the hook for the cost, and then
16 claim it as their own?

17 Question 2, how --

18 MR. SUMMERS: Do you want an answer to these
19 or --

20 MR. GARDNER: I would like these in writing.

21 How can it be acceptable for the
22 Village Manager Summers' neighborhood to have both well

1 and city water while it is not acceptable for White
2 Pines residents?

3 Why not use high-density polyethylene
4 pipes and directional boring?

5 Have you found lead in Bensenville
6 proper water lines? If so, what have you done about
7 it?

8 Has the village ever had a year where
9 they lost money providing water to the White Pines
10 community?

11 Respectfully, Gary Gardner.

12 MR. SUMMERS: Thank you, Mr. Gardner. I
13 look forward to answering those questions.

14 Gina, you are up again.

15 MS. MELLENPIN: Good evening. I am Gina
16 Mellenphin, I live at 4N150 Pine Grove, Bensenville,
17 Illinois.

18 MR. SUMMERS: Can you please spell your last
19 name for the record.

20 MS. MELLENPIN: M-e-l-l-e-n-p-h-i-n.

21 MR. SUMMERS: Thank you.

22 MS. MELLENPIN: I think that the questions

1 we submitted pretty much says it all, and I have to
2 give kudos to everyone that spoke this evening. They
3 have hit every one of the bases I was going to say, so
4 I'm not going to repeat what was already said here this
5 evening, but I did have a couple of issues that I
6 wanted to bring up.

7 I am the standing president for White
8 Pines Civic Association, and I have a couple of
9 questions regarding -- we are saying there is 267 homes
10 that are in the White Pines Civic Association area; but
11 in the Unincorporated Utility Fund, there are other
12 homes that belong to that fund. There is 90 homes
13 north of Church approximately, and we paid to put the
14 pipes in going down to Johnson School with our
15 Unincorporated Utility Fund. I have a large problem
16 with them not being a part of paying for the system
17 now. We paid for theirs. Why are they not included in
18 paying for the pipes that are going to go into our
19 area? It should be divided fairly. They should be
20 included. Statement and a question, I guess.

21 MR. SUMMERS: Let's clarify that. Is that a
22 rhetorical question which will be a comment, or do you

1 want a written response to a question?

2 MS. MELLENPIN: I would like a response to
3 why they are not included in it.

4 MR. SUMMERS: So your question would be:
5 Why aren't all unincorporated water customers paying
6 the rates for the White Pines water system?

7 MS. MELLENPIN: And I need to correct you
8 because we paid for the pipes that went down to Johnson
9 School and on Second Avenue and on the other side of
10 Third.

11 MR. SUMMERS: How about if we take that part
12 of the comment, and then we will have a question that
13 we can follow up with; does that work for you?

14 MS. MELLENPIN: That works. That was one
15 question that I had.

16 I don't want it to be seeming like the
17 White Pines area, we are a bunch of tree huggers. We
18 have a legitimate concern that we have with that
19 Unincorporated Utility Fund; and I know you said you
20 can't answer a lot of questions because we are in court
21 right now, and I understand that, but there are
22 questions that I have, like the fact of the

1 1.7 million. I did research on it, and the grant that
2 was lobbied for for two years that we lobbied for that
3 we got and it was assigned to our area, it was used on
4 Spruce. I found out where it was at.

5 I have submitted a FOIA today to find
6 out about that grant, and that's what I tried to say.
7 Throughout the years, back from the '80s, we have
8 always said: What can we do to help ourselves? Let us
9 go try and get some funding and help replace the pipes.
10 Putting this on the backs of these poor people, -- we
11 are approximately 60 percent, if not higher, senior
12 citizens on fixed incomes -- they are going to have a
13 large problem paying this. My water bill alone will be
14 450 a month. I'm going to have to move. I'll be at my
15 mom's house. I'll be across the street from you.

16 That Unincorporated Utility Fund, we
17 keep going back to it, I want to know back five years
18 ago when Mr. Cassidy arbitrarily just said we are no
19 longer putting that money in the Unincorporated Utility
20 Fund, you said you created an ordinance that was
21 allowing you not to do that anymore. Well, we've
22 looked through the -- an ordinance. I had my attorney

1 look through the ordinance. We have not seen anything
2 that specifically said we are taking your money out of
3 that and that we are putting it in the General Fund.
4 What are we doing with it?

5 I have heard that that is still
6 separated out, that that's not going in your General
7 Fund. So that is a question: Is the money that used
8 to go into the Unincorporated Utility Fund going into
9 your General Fund? Where is it going?

10 MR. SUMMERS: Gina, because you are
11 currently engaged -- a plaintiff in a lawsuit against
12 the Village of Bensenville, I would encourage you to
13 have your attorney file that question in discovery so
14 our attorney can reply. That's going to be the best
15 way for us to communicate from here on out.

16 MR. BRUEN: That is correct.

17 MS. MELLENPIN: All right. Fair enough.

18 Then the other question I have is with
19 the Unincorporated Utility Fund again. I submitted
20 paperwork to you guys and asked you, asked your C.P.A.,
21 which I believe he is no longer with you, I asked your
22 C.P.A. where \$108,000 went, approximately \$108,000, it

1 was transferred out, where did it go? The C.P.A. said:
2 I don't know where it went. I never saw that before.
3 I don't know what you are talking about.

4 I can tell you that at the time when I
5 asked Mr. Geils about it, he told me we are not force
6 annexing you. Are you going against fighting O'Hare?

7 I said: No, but I don't believe these
8 people of White Pines should have to pay -- the only
9 ones that should have to pay suburban O'Hare
10 commissions to fight O'Hare. It's unfair.

11 And now that we are fighting, the money
12 that was in there, we don't have it anymore. So every
13 time -- it's just got chomped away, chomped away,
14 chomped away. Again, we always try to help ourselves.
15 We have gone and lobbied for money. That got
16 sidetracked.

17 So I ask you to work with us instead of
18 trying to force us. You heard that here this evening
19 several times, that if you can't afford it, you have
20 two choices, if you can't afford to do this, here is
21 your other choice, you have to annex. And I would say,
22 if I had to go out today, 75 percent of the people

1 would say they don't want to do it.

2 So what's happening here, and what
3 really bothers me -- and this is my closing statement
4 -- what really bothers me about what's gone on here, is
5 it normal practice that not one elected official that
6 lives here is here this evening? Not one. I
7 understand that you can't have three in the same room
8 during, it's a legal thing; but not one of these people
9 who claim they care. I don't care if you think we
10 don't live in your town. We eat in your restaurants.
11 We shop in your stores. We support this town. I have
12 been here for 35 years. I have been in every parade.
13 I have supported this town. I love this town. So it
14 really bothers me when you people say we don't want to
15 be a part of Bensenville. Work with us instead of
16 trying to slam this in.

17 That is my final comment. Thank you.

18 MR. SUMMERS: The next questioner will be
19 Don McCabe.

20 MR. McCABE: My name is Don McCabe,
21 M-c-C-a-b-e. I live at 4N481 Briar Lane, Bensenville.

22 I didn't know what the format was

1 tonight. Most of what I had to say has been covered by
2 others, so I don't want to be redundant, and I'll give
3 you a copy of what I was going to say, but I have a
4 couple of points to make.

5 One dovetails on what's already been
6 stated. I don't understand how we could pay millions
7 of dollars for all these years. My wife and I are
8 42-year residents of White Pines, and we raised our six
9 kids here, so we are fully invested in the community.
10 Anyway, we have been paying lots of money, and it seems
11 to me that the Bensenville water department, water
12 system, is a utility; and like other utilities,
13 factored into the rates and the fees that are charged,
14 some of those funds are typically set aside for repairs
15 and improvement of property. We pay a lot more than
16 the village residents do, I understand that, but that
17 condition of -- those moneys were apparently acceptable
18 to the Village and to the water system to cover costs,
19 and we pay substantially more in costs than the village
20 resident.

21 I'm curious to know where all those
22 funds go? It's been confusing to look through past

1 bills and look at past communications to try to
2 identify where funds are. They have been called
3 different things at different times. I'd like to see
4 an accounting of what has been paid by White Pines
5 residents and what the expenditures have been. I think
6 we are entitled to a full accounting.

7 MR. SUMMERS: So your question would be,
8 just so I can form this into a question so I can
9 respond clearly, you would like an accounting of the
10 Unincorporated Water Fund historically; is that
11 appropriate?

12 MR. McCABE: Right, and there were different
13 nomenclatures on it.

14 MR. SUMMERS: I think I have a document that
15 we provided to Ms. Mellenphin's civic association. I
16 will be happy to provide that to you.

17 MR. McCABE: There was something that we got
18 a letter from Michael Allison [phonetic], who was
19 village manager at the time, I would say this goes back
20 to 1987, where he indicated that the funds in that
21 would solely be used for improvements in the
22 unincorporated area.

1 Are those funds solely used for
2 improvements in the unincorporated area or have they
3 been used for other things?

4 MR. SUMMERS: I'm unfamiliar with the
5 document that you are looking at; but if I could review
6 it, I'd be happy to get back to you.

7 MR. McCABE: The other thing of note was
8 there was something sent out by the White Pines Civic
9 Association recently that indicated one contractor had
10 32 different engineering services performed,
11 Christopher B. Burke, Ltd. I don't know if that came
12 up before, but it seemed curious to me that the
13 expenditures for those 32 projects was over \$280,000.

14 I'm just curious to know what other
15 expenditures there are that have gone out of the fund,
16 which reiterates what I just said I guess. I'm
17 wondering what the process is, the fiduciary duty you
18 have over all the funds that you have to select a
19 vendor. Were there other bids? Why does one
20 contractor in a ten-year period of time accrue all of
21 the engineering that needs to be done, and how much of
22 that work is redundant? Are we doing the same things

1 over and over again?

2 MR. SUMMERS: So your question is: How does
3 the Village select engineering firms? Is that the
4 first part of that question?

5 MR. McCABE: I guess so.

6 MR. SUMMERS: So let me answer that, and
7 I'll let you follow up if we don't answer fully.

8 Joe, do you want to talk about our
9 process.

10 MR. CARACCI: By state statute as a non-home
11 rule community, our engineers are selected by a
12 qualification-based program. So we actually go out
13 once every four years or so and we short list a bunch
14 of engineers -- a list of engineers for different
15 categories of engineering. Those are based off of
16 submittals of every engineer that responded to our
17 request for qualifications. We post that again in the
18 two newspapers.

19 The first year I was here, we had over
20 70 engineers submit lengthy proposals, lists of
21 qualifications for their services. We have an
22 engineering team that's consists of both staff

1 internally and staff outside of the Village of
2 Bensenville. We view those engineers and rate them.
3 The top engineers are selected for the short list of
4 engineers for the village.

5 Specific projects are either requests
6 for additional qualifications on a specific project or
7 we work with our short list of engineers to come up
8 with a cost proposal for a project. That's how the
9 Christopher Burke Engineering was selected for White
10 Pines. They were selected on our short list, and they
11 were the most qualified firm when we started the
12 process about seven, eight years ago.

13 MR. McCABE: This is a ten-year period of
14 time, so they were the only ones qualified to do the 32
15 projects in that ten-year period of time?

16 MR. CARACCI: They were selected as the most
17 qualified.

18 MR. SUMMERS: I'm hesitant, Mr. -- I don't
19 get those White Pines Civic Association e-mails, so I'm
20 not -- I don't want to comment on the 32 items because
21 I'm not entirely sure. Just so we are comparing apples
22 to apples.

1 MR. McCABE: I don't have a copy with me,
2 but I'll get a copy to you after the meeting.

3 MR. SUMMERS: At the end of this slide show,
4 we have Joe Caracci's contact information. Anyone is
5 allowed to submit questions through the end of the
6 public comment period, so that would be a great format
7 to do that.

8 MR. McCABE: Thank you.

9 MR. SUMMERS: Thank you.

10 The next will be Carl Anthony.

11 MS. ANTHONY: It's Carol.

12 MR. SUMMERS: Carol. I apologize. I'm so
13 sorry.

14 MS. ANTHONY: Good evening. My name is
15 Carol Anthony. I live at 4N, as in Nancy, 120 Fisher
16 Drive, Bensenville, unincorporated.

17 MR. SUMMERS: Can you please spell your last
18 name.

19 MS. ANTHONY: Yes, A-n-t-h-o-n-y.

20 So I have a few questions on
21 construction, they are very specific, and then I have a
22 comment on median household income.

1 Can you describe, please, what proper
2 flushing of service lines are and who will be doing
3 them after the lines are installed?

4 MR. SUMMERS: Joe, do you want to go through
5 our hydrant flushing process.

6 So your question is: What is hydrant
7 flushing, and who will be doing that?

8 MS. ANTHONY: Yes.

9 MR. CARACCI: Hydrant flushing is a
10 maintenance activity that the Village does to clear out
11 the water mains in our system via the fire hydrants.
12 Fire hydrants provide an opportunity for us to push
13 water through the system at a rapid rate. As we flush
14 the hydrants, we are basically eliminating any small
15 pieces of debris, stone, rock, or anything that has a
16 habit of getting into the water mains; and it just
17 helps with the water quality and the condition of the
18 water mains in general.

19 MS. ANTHONY: How often will that be done
20 once the new lines are in place?

21 MR. CARACCI: Once the new lines are in
22 place, we anticipate doing that annually. We try to

1 get our hydrant flushing done annually throughout the
2 village.

3 MS. ANTHONY: Okay. Will additional fire
4 hydrants be installed in White Pines as part of this
5 project?

6 MR. CARACCI: The current standard for fire
7 hydrants is every 300 feet on the new main. So I can't
8 comment as to what the current status of current
9 spacing is, but they will be every 300 feet.

10 MS. ANTHONY: Thank you. I did read the
11 89-page --

12 MR. CARACCI: Progress report.

13 MS. ANTHONY: -- report. Thank you. I did
14 not read the 400-page report yet. I also read Doug
15 LaVine's questions that were submitted, and so this
16 question comes from that document.

17 I read that we do not intend to connect
18 to the meter inside the home. So my question is: How
19 then will water usage be read, and who will be
20 financially charged with connecting the new lines to
21 the water meter inside the home?

22 MR. CARACCI: So the connection -- our

1 current plan right now is if there is no lead found in
2 the service line, that we are hoping to connect that
3 line to your existing service, which comes outside your
4 foundation of your home, somewhere between three and
5 five feet outside the foundation. The condition of
6 that service line typically is in good shape, it's
7 typically copper; but in situations where either it's
8 found to be lead, we will then go into the homes. If
9 it's not lead, our plan is we don't want to interrupt
10 your foundation or anything like that, we will connect
11 as close to the foundation as possible just outside the
12 home.

13 MS. ANTHONY: Okay. And then you will be
14 financially responsible whether it's lead or not lead?

15 MR. CARACCI: Correct. The project is going
16 to pay for those meters.

17 MR. SUMMERS: I think you had a follow-up
18 question buried in there: How will we read the meters?
19 The meters are good that are in place, so it will be
20 the same meter reading system we have in place now.

21 MS. ANTHONY: Okay. In the report it said
22 that construction activities will be restricted to

1 7:00 a.m. to 7:00 p.m. Monday through Friday, but there
2 was no specification as to construction on weekends.
3 Can you comment to that, please.

4 MR. CARACCI: The Village's code that we use
5 is 7:00 a.m. to 7:00 p.m. Monday through Friday. We
6 have in the past allowed contractors to work on
7 weekends if we feel it's a benefit to the project and
8 if it's not going to be interruptive to the residents,
9 so that has happened. It has to be a request and a
10 grant by the Village to do that. This project being in
11 unincorporated Bensenville and DuPage County, I would
12 have to ask the county's permission to do that as well.

13 MS. ANTHONY: What would the hours be?

14 MR. CARACCI: Still 7:00 a.m. to 7:00 p.m.

15 MR. SUMMERS: It's typically more expensive
16 for us to work after hours, so we would try to avoid
17 that.

18 MS. ANTHONY: Okay. And then there was an
19 issue of private service work on private land for
20 easements and you would request the property owner's
21 permission for that; is that correct?

22 MR. CARACCI: That's correct.

1 MS. ANTHONY: How far in advance would you
2 be able to do that for each property owner?

3 MR. CARACCI: In order for us to be on your
4 property to replace the private service line, we would
5 need a temporary construction easement. We are -- we
6 do have a draft version of that temporary construction
7 easement. We need to tweak it a little bit before we
8 send those out.

9 It's our intent, again, to have public
10 meetings coming up in the next month or so to talk
11 about each individual private service line design that
12 we have. Again, by all means, they are not final; but
13 we want to get your feedback as to does this work for
14 you in your home. Again, we'd try to avoid any
15 hardscape as much as we could. We would like to go
16 right through the grass if we could; it is easier to
17 restore than a concrete patio or something like that.
18 So we will work with each individual resident at that
19 point, and we are hoping to secure those temporary
20 construction easements at that time.

21 In a letter that we will send out
22 shortly, when we schedule those meetings, we will send

1 the actual design of your service as well as that
2 temporary construction easement for signature, and we
3 hope to secure those as quickly as possible.

4 MR. SUMMERS: The only way to have your
5 service line included in the project scope is to have a
6 temporary construction easement. That's our
7 authorization to do the work. If that temporary
8 construction easement is not signed, that will be your
9 responsibility as a homeowner to connect it.

10 MS. ANTHONY: I read that. Thank you.

11 Okay. Then I do have a question on
12 median household income that I read in the 89-page
13 report. I read that the median household income was
14 compiled from DuPage County and not specifically from
15 Bensenville itself or from the White Pines community;
16 am I correct?

17 MR. CARACCI: The only thing I can comment
18 on the median household income, that's not something
19 the Village of Bensenville put together. So this is
20 something that the IEPA has some sort of regulation in
21 the process that they follow in order to determine
22 median household income for the project area. So I

1 can't really comment about how they came up with that
2 number or why they didn't use one number over another.
3 I would have to refer that to IEPA.

4 MR. SUMMERS: That's a methodology question
5 for the IEPA.

6 MS. ANTHONY: Okay. So then I would like to
7 comment, which would be that even though you weren't
8 involved, I would like to request that you become
9 involved if you can. If for some reason you don't get
10 the loan or some reason you have to rewrite the loan or
11 you have to do some finagling with your figures, it
12 would be, I think, appropriate to at least submit what
13 the Bensenville median household income is and
14 specifically what White Pines median household income
15 is, which is readily available on websites -- public
16 websites such as City Data and Data USA. I mean I was
17 able to access these within a matter of seconds.

18 There is a difference of about \$19,844
19 per year of household income difference between DuPage
20 County and Bensenville itself. That's almost a \$20,000
21 difference annually per person, and I think that makes
22 a really big difference when you are thinking about

1 having us pay for this project.

2 Thank you.

3 MR. SUMMERS: Thank you.

4 That appears to conclude the written
5 public comment letters that I have up here. Are there
6 any other -- Does anyone have anything else they would
7 like to speak --

8 MR. LaVINE: Can I ask a question?

9 MR. SUMMERS: Hold on. Because we are
10 trying to keep tabs on this, can you please fill out
11 one of these forms? I would be happy to hear from you
12 again, Doug, but do you have one of these forms for me
13 and can you fill one out and bring it up here so I have
14 the order of questions?

15 MR. LaVINE: You do have the form.

16 MR. SUMMERS: You are not going to give me
17 another one?

18 MR. LaVINE: I just have one and I'm done.

19 MR. SUMMERS: Can I have this gentleman
20 speak first, the one behind you?

21 MR. MEDINA: Rick Medina, 17W050 Woodland
22 Avenue.

1 MR. CARACCI: Can you spell your last name,
2 please.

3 MR. MEDINA: M-e-d-i-n-a.

4 MR. SUMMERS: Can you give me your address
5 one more time so I can write it down.

6 MR. MEDINA: 17W050 Woodland Avenue.

7 MR. SUMMERS: Thank you. Go ahead,
8 Mr. Medina.

9 MR. MEDINA: You already answered a few of
10 my questions from Doug's questions, but I have a couple
11 -- I have two more from his.

12 On his Question 7, it says: The
13 Village mentions Christopher Burke estimated the
14 population of White Pines based on the number of homes
15 and the population averages.

16 So, okay. What was the number of
17 homes, what were the population averages, and can you
18 supply us with this information that he used to
19 calculate whatever he calculated out there?

20 MR. SUMMERS: You would like the methodology
21 that Mr. -- Christopher Burke Engineering used to
22 calculate the project area population?

1 MR. MEDINA: Yeah, Question No. 7 on Doug
2 Lavine's.

3 MR. SUMMERS: Yeah, we would be happy to
4 provide that. We don't have that in front of us. We
5 would have to mail that and post it to the White Pines
6 Water Main portal.

7 MR. MEDINA: Okay. And then I have this
8 Question 12 says: Has the Village of Bensenville ever
9 found lead pipes present in our subdivision.

10 In the Village's response, the Village
11 states: We have not encountered any lead service lines
12 in the system.

13 In the Village's response to the White
14 Pines Civic Association Question 13, the Village
15 states: The Village has identified that lead lines do
16 exist within the White Pines subdivision.

17 MR. SUMMERS: So I'll let Mr. Caracci
18 clarify. He stated it earlier in this meeting. There
19 was a clarification on that.

20 MR. CARACCI: So we don't have a formal
21 record for the EPA of lead service in the line. Those
22 have to be field verified, and that started really back

1 in this last year, 2018. We have encountered lead in
2 the service -- in the area as we were doing water main
3 breaks. It's not that every service line is lead, but
4 there have been a couple that my staff has told me in
5 the last two weeks that they have encountered in the
6 White Pines area.

7 MR. MEDINA: Have you notified those people
8 that they have lead?

9 MR. CARACCI: At the time that they
10 encountered them, it probably wasn't an issue. I have
11 people that have worked in the village for 40 years.

12 MR. MEDINA: I think it's a scare tactic
13 since Flint. All we hear is lead, lead, lead. Now you
14 are contradicting yourself back and forth and then you
15 haven't told the people that has the lead. So I don't
16 know whether you people really care or you don't care.

17 MR. SUMMERS: I'll clarify. I would like to
18 jump in and clarify that. We are not trying to use
19 lead as a scare tactic. I have one promise: Once we
20 redo the White Pines water main system, it will be a
21 lead-free area of the --

22 MR. MEDINA: If it isn't already.

1 MR. SUMMERS: If it isn't already. Right.
2 Contractors were using lead solder up until 1985, 1987.
3 We know that.

4 MR. MEDINA: So then I have some other
5 questions here. What happens after 20 years when the
6 loan is paid off? Do the water rates go down? What
7 will the water rates and sewer rates be? Will there be
8 an agreement on the water and sewer rates? I mean are
9 we going to pay 150, 175? Are we going to continue to
10 get screwed here like 275? What's the game plan for
11 after 20 years?

12 MR. SUMMERS: That would be subject to board
13 approval; but I think it's safe to say that once the
14 debt is retired, the rates will go down. I can't
15 speculate 20 years from now.

16 MR. MEDINA: Okay. Another ownership
17 question, you know: How do you claim ownership of the
18 White Pines water main when White Pines is still
19 unincorporated? In a letter from the Village of
20 Bensenville dated October 27, 2015, on Page 6 in the
21 last sentence of the page, it says: To this date White
22 Pines subdivision has not and will not be annexed.

1 Therefore, White Pines retains ownership of the system.
2 Bensenville does not own the system.

3 And all your other stuff says that once
4 you are annexed in, you are going to own the system;
5 and now it's once it's in the right-of-way you are
6 going to own the system. You brought this up at the
7 police station, you know, and there was a big uproar
8 when, Joe, you said that, you know: Hey, we are going
9 to own the system. Once you pay for it, we are going
10 to own the system.

11 People were not happy, and I still
12 don't think people are happy. I still don't understand
13 that. Who knows, that might be your next lawsuit. I
14 don't know.

15 MR. SUMMERS: Mr. Medina, can I clarify, are
16 you threatening a lawsuit on the Village of Bensenville
17 right now because that changes my response?

18 MR. MEDINA: I'm not threatening anything.

19 MR. SUMMERS: All right. I'd like to add
20 the new water system that will be built will be owned
21 and managed by the Village of Bensenville, as we are a
22 public utility. The existing system in the ground will

1 be abandoned in place.

2 MR. MEDINA: Well, that's the problem I
3 have. You know, you are telling the EPA that you are
4 abandoning in place. Well, you are still using that
5 12-inch main that doesn't belong to you, that belongs
6 to us, that runs down White Pines; you are still using
7 Third Avenue, belongs to us, doesn't belong -- you
8 know, doesn't belong to you; you are using part of
9 Briar, you know, a tie into that, you don't own it, we
10 still own it.

11 You know, so I'm really confused here
12 as to what you are telling the EPA and how you are
13 getting around all this stuff.

14 MR. SUMMERS: The Village of Bensenville put
15 those lines in, and we are the public utility.

16 MR. MEDINA: Who paid for them?

17 MR. SUMMERS: We put them in as the public
18 utility. I don't have the accounting for who paid for
19 it so to speak.

20 MR. MEDINA: You never have the accounting.
21 We asked for accounting, we asked for accounting, and
22 we --

1 MR. SUMMERS: White Pines is not a public
2 utility. You are a subdivision.

3 MR. MEDINA: We are not. [Inaudible].

4 MR. SUMMERS: You are not a public utility.

5 MR. MEDINA: We own those mains. They are
6 an asset to White Pines.

7 MR. SUMMERS: I would be very careful and
8 caution you on making those statements --

9 MR. MEDINA: You made them. They are in all
10 your writings.

11 MR. SUMMERS: No. By you claiming ownership
12 of those, you accept a lot of liability in maintenance.
13 I would warn you going forward to be careful making
14 that claim.

15 MR. MEDINA: You are the one that made the
16 claim.

17 MR. SUMMERS: That's my free advice.

18 MR. MEDINA: [Inaudible].

19 MR. SUMMERS: Unsolicited advice.

20 MR. MEDINA: What's going to happen when
21 City of Chicago and DuPage County, the big water
22 commission -- We got water increases coming. We know

1 they are coming because there is always increases. Is
2 all of that figured into this twenty-seven fifty, or is
3 that twenty-seven fifty all of a sudden going to change
4 when Chicago decides we are going to jump this up
5 7 percent or something? Do you have a bill or
6 something from the city with their rate increases for
7 the future that all of this stuff is calculated into?

8 MR. SUMMERS: So in the individualized
9 spreadsheets that we gave to every homeowner, there was
10 an inflation escalator put in there. I can't -- I pay
11 water rates as well. City Chicago, I cannot predict
12 what the City of Chicago is going to do, but we did put
13 an inflation escalator in there.

14 MR. MEDINA: Back to this M.H.I., I read
15 something that -- the M.H.I.

16 Now, in this do you guys have any clue,
17 the sewers, the upcharge on the sewer? So, yeah, with
18 the water you are at the 2.2 percent. You know, that's
19 all fine and dandy. I still question the 4,000
20 gallons, you know, because -- it's somewhere between
21 4,000 and 7,300 gallons. Somewhere in there is your
22 number. So when you add in -- when you add in the

1 sewer, you are at 2.65 percent. That's not borderline
2 affordable anymore; that's just flat out not
3 affordable. So I still don't understand now how you
4 are going to -- I don't understand how you are going to
5 get around that or what you are trying to do here by
6 getting this 2.2 and leaving out, you know, the
7 additional sewer that you mentioned, that the
8 additional sewer is going to be dedicated to paying the
9 loan.

10 MR. SUMMERS: We will have that comment
11 reflected in the public record.

12 MR. MEDINA: All right. That's it. That's
13 all I have.

14 MR. SUMMERS: All right. Is there anyone
15 else that hasn't spoke before we start having repeat
16 speakers, any that would like to speak?

17 Go ahead. Sir, please state your name
18 and your address and the spelling of your name.

19 MR. BOSWELL: Josh Boswell, B-o-s-w-e-l-l,
20 4N224 Pine Grove Avenue, Bensenville, Illinois.

21 MR. SUMMERS: Guys, could we have it quiet
22 in the audience. Mr. Medina. Mr. Medina.

1 You are a little tall, so the
2 microphone is a little far away.

3 MR. BOSWELL: I had a couple quick
4 questions. One, I see this as a utility. So like
5 Com Ed, Nicor, when they provide the service, they
6 typically include all that into their -- you know, the
7 main installation, bringing it to the subdivision would
8 be paid for by the provider because it is basically you
9 are making a monthly profit off of each item. I guess
10 it's not a question but they typically --

11 MR. SUMMERS: Sir, that's not a question,
12 but I think I can lend some guidance on it. When there
13 have been expansions to the Village of Bensenville's
14 water system, those costs -- there is history of those
15 costs being borne by those homeowners. I know my
16 neighborhood, which is known as Forestview or
17 Crestbrook, where Gina's parents live and Mr. Gardner
18 alluded to, when that water system was extended and
19 that neighborhood was annexed a S.S.A. was set up to
20 pay for that.

21 This is kind of that situation, where
22 as it gets extended, you pay for it. This is a weird

1 issue where the developer put the water system in and
2 there was no clear deed to where it went. So this is a
3 new water system -- we are viewing this as a new water
4 system being extended into the neighborhood.

5 MR. BOSWELL: And then back to -- So I grew
6 up off of Deer Path Road in Wood Dale. Originally we
7 were unincorporated, and then we were incorporated.
8 Basically when they tied the water system in, what it
9 was is the city provided the main supply and then each
10 home was responsible to pay the tie-in, which basically
11 was \$10,000 or something along those lines. I would
12 think that that would be a better way to go about it as
13 opposed to --

14 MR. SUMMERS: It does get a little
15 complicated because you guys are already receiving
16 village water. I'm not comfortable turning your water
17 off if you don't choose to connect. That's something
18 that I'd have a problem with. So that's why we wrote
19 that into the project cost. That connection, assuming
20 we get the temporary construction easement, would be
21 borne by the project cost.

22 MR. BOSWELL: And then one other thing. We

1 work in commercial construction, and typically we do a
2 lot of budget hearing pricing for everything. And I
3 mean -- before the loans go through, there is typically
4 a lot of budgeting that goes on between everybody. And
5 I do know that budgetary drawings, and from what it
6 sounds like, there isn't a complete set of drawings
7 completed, I would say that the budgeting is very --
8 not necessarily accurate without a good specification
9 and a good set of drawings.

10 MR. SUMMERS: Yes.

11 MR. BOSWELL: So I would just ask that if
12 this does go forward, that you guys do a public opening
13 so that it's controlled and everybody in the village
14 can see what the quotes coming in are.

15 MR. SUMMERS: Absolutely. We want to be as
16 transparent as possible on these with all our bid
17 procedures, which is kind of dictated by state law.

18 MR. BOSWELL: Yeah, I mean do you do like a
19 sealed --

20 MR. SUMMERS: Yeah.

21 MR. BOSWELL: -- bid where like --

22 MR. SUMMERS: Yes, sealed bid.

1 MR. BOSWELL: -- and then you do a public
2 opening?

3 MR. SUMMERS: Public opening, lowest
4 qualified bidder, the whole nine yards.

5 MR. BOSWELL: That's it.

6 MR. SUMMERS: Thank you, Josh.

7 Anyone else like to speak? Once.
8 Twice.

9 Mr. LaVine, the floor is yours.

10 MR. LaVINE: LaVine.

11 MR. SUMMERS: LaVine, sorry. LaVine. My
12 apologies.

13 MR. LaVINE: Just one question here --
14 couple questions. If people choose not to sign that
15 paper for access to their property, so that means that
16 they stay connected to the old system?

17 MR. SUMMERS: There will be a day when we
18 stop providing water to the old system. There will be
19 a cut-over date, and we will publicly notify you of
20 that date.

21 MR. LaVINE: These papers -- do you have a
22 legal paper that people are going to sign that is going

1 to give you the right to this ownership?

2 MR. SUMMERS: Can you clarify the ownership
3 of what, the temporary construction easement or the
4 water system?

5 MR. LaVINE: No. The way I look at it
6 personally, it's not so much ownership, it's the fact
7 that we all know that you handed the system -- you were
8 handed a system, you took the system on, you have been
9 maintaining it, you have replaced pipes, you set
10 precedent, so, I mean, you are the caretakers of our
11 system. You are, therefore, financially responsible
12 and liable for our -- for a good water service system
13 period, and that's really what it's all about, and you
14 are not managing it properly. That's a problem.

15 MR. SUMMERS: Your comment will be entered
16 into the public record.

17 MR. LaVINE: Okay. Now, one last question
18 is where did you come up with 4,500 gallons usage?

19 MR. SUMMERS: I'll let Mr. Caracci tackle
20 that. It seems to be coming up a lot.

21 MR. CARACCI: There is a number of questions
22 in Gina's submittal about the numbers. What I will say

1 is that early on in the project we went with an
2 industry standard of 5,000 gallons per home. That was
3 initial budgetary numbers that was based off of U.S.
4 standards for 2.5 people or kids in a home, blah, blah,
5 blah, whatever it was. That was the 5,000. That was
6 the highest use.

7 Again, early on in the project, we were
8 being as conservative as possible. Later we started to
9 go into the actual loan process and were using more of
10 the Village of Bensenville average that was provided to
11 me by our finance director. So that's where we got the
12 4,500. I know you've got some calculations in there
13 from the report that say 7,300. I said we were going
14 to be looking into those numbers. I know that those
15 numbers don't include water loss, a number of different
16 things, so we will try to find our way through that
17 number.

18 When it comes down to the actual
19 average of the White Pines customers in our system
20 based off of our water bills, it's just under 4,000
21 gallons per month. So those numbers were provided in
22 Gina's requests earlier today. We have a list of the

1 PINs and their 2017 usage. Add that up, divide it by
2 the number, and we are getting less than 4,000.

3 MR. LaVINE: Can we see more of an
4 accounting of water?

5 MR. SUMMERS: I will take it one further.
6 We provided individualized properties their historic
7 usage. So the average -- There is means, medians,
8 modes. We provided historic usage to every homeowner.
9 I think that's the important number there.

10 MR. LaVINE: Well, the thing is when you are
11 promoting 4,500 versus 7,300, if that is the real
12 number, there is a lot of money that you are going to
13 be making, a lot of revenue you are going to take in,
14 that wasn't meant to be taken in for you to put in your
15 pocket. It was supposed to be just enough to cover
16 this loan, that's it, not a penny more.

17 MR. CARACCI: And that will be the case.

18 MR. LaVINE: Okay.

19 MR. CARACCI: The numbers that are in front
20 of everybody here are the estimates going into the
21 project. We still don't have a project cost.

22 MR. LaVINE: Okay.

1 MR. CARACCI: That will not be set until the
2 project is bid, until we get our construction
3 engineering contracts in place. We do know what our
4 design engineering contract is; that's why we put that
5 in the loan application. The total project cost will
6 be the construction bid amount, the construction
7 engineering contract amount, and the design engineering
8 contract amount all added together, and then the EPA
9 also puts in a 3 percent required contingency on the
10 construction number.

11 So once those are all in place and
12 final numbers and agreements are signed, the amount of
13 the loan will be established. The rates will all be
14 dependent upon that final number. Like we said
15 earlier, numbers could come in high, numbers could come
16 in low. The more detailed we are with our design, the
17 better numbers we are going to get, the less change
18 orders we are going to have in the field. So our push
19 is to get as detailed as we can in these drawings so we
20 get the best possible price because we know you are
21 paying for it so we want to make that price as low as
22 possible.

1 MR. LaVINE: Well, I really personally think
2 you should have done your math really tight first
3 before you try to compare your existing numbers to try
4 to show people it's better to annex than to pay this.
5 Okay? So you didn't really do that. You got us
6 thinking we are doing this, and now we could be doing
7 something different. It could be cheaper.

8 MR. SUMMERS: Doug, thanks for your comment.
9 We will make sure it's in the record.

10 MR. LaVINE: One last thing is I did speak
11 to the IEPA. I would like to ask for a delay in the
12 decision; and that's based on to give us enough time to
13 submit FOIAs, to make sure that the information did get
14 to the IEPA and what was said and what was submitted,
15 so just to give us that time, which could be, you know,
16 enough time, it could be another month for FOIAs to
17 come back to residents that are submitting them, to
18 make sure that this is all on the up and up.

19 That's it. Thank you very much.

20 MR. SUMMERS: Thanks for your comments.

21 MR. COLON: Will you put a copy of this --
22 copy of the transcript on the website?

1 MR. SUMMERS: I don't know. I haven't done
2 that before, but I will say we will respond to every
3 single question. We would have to talk about ordering
4 that transcript, what it looks like in posting it. I'm
5 not opposed to that, but I will look into it.

6 MR. LaVINE: And the video will be
7 available?

8 MR. SUMMERS: Doug, if you are going to
9 speak, please speak at the microphone.

10 MR. LaVINE: Will the video be available on
11 your website in a few days so people can see this that
12 weren't available to be here?

13 MR. SUMMERS: I will check with the
14 multimedia department on that one.

15 MR. LaVINE: We would almost insist on it.
16 It's very important to many residents that weren't able
17 to be here.

18 MR. SUMMERS: Thank you for your comment.

19 MR. LaVINE: Thank you.

20 MR. SUMMERS: All right. Does anyone else
21 have any comments for the public record or like to
22 speak at the public hearing?

1 Seeing none --

2 MS. MELLENPIN: I have one.

3 MR. SUMMERS: Gina, we were so close. I had
4 the gavel in hand.

5 MS. MELLENPIN: Just one and it will be
6 quick.

7 MR. SUMMERS: Please state your name for the
8 court reporter.

9 MS. MELLENPIN: Gina Mellenphin,
10 4N150 Pine Grove, Bensenville, last name spelling
11 M-e-l-l-e-n-p-h-i-n.

12 MR. SUMMERS: Thank you.

13 MS. MELLENPIN: Going back to two letters,
14 one from October of 2015 and one from December of 2015,
15 one is the IEPA letter from Mr. John Kim and one is
16 from the Village of Bensenville, in this letter dated
17 October 27, 2015, you absolutely state that you do not,
18 Bensenville does not, bold, own the system. The IEPA,
19 Mr. Kim, says you cannot apply for an IEPA loan if you
20 do not own the system. Why are we here?

21 That's it.

22 MR. SUMMERS: Thank you.

1 Let's try this one more time. Is there
2 anyone else that would like to speak in the public
3 hearing?

4 Seeing none, once, twice, three times,
5 the public hearing is closed.

6 I want to thank everyone for attending
7 tonight's meeting. I know you guys all have important
8 things to do in your lives and this is kind of a civic
9 duty. Please drive safe on your way home. We
10 appreciate this.

11 The meeting is adjourned.

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

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)
3

4 Maureen K. Nagle, a Certified Shorthand
5 Reporter, doing business in the City of Chicago, County
6 of Cook, and the State of Illinois states that she
7 reported in shorthand the proceedings had at the
8 foregoing hearing;

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

13
14
15 _____
16 MAUREEN K. NAGLE, CSR
CSR No. 084-002863
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