



VILLAGE OF BENSENVILLE

Village Board

President
Frank Soto

Trustees

John Adamowski
Morris Bartlett
Patricia A. Johnson
Martin O'Connell
Oronzo Peconio
Henry Wesseler
Village Clerk
JoEllen Ridder

Village Manager
Michael Cassady

Village of Bensenville, Illinois BOARD OF TRUSTEES MEETING AGENDA

6:30 P.M. Tuesday, January 12, 2010

Bensenville Village Hall, 12 S. Center Street, Bensenville IL 60106

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES
 - December 1, 2009 Village Board of Trustees
 - December 8, 2009 Village Board of Trustees
- VI. WARRANT – January 12, 2010 #10-17 \$1,997,703.66
- VII. CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”

VIII. REPORTS OF STANDING COMMITTEES

- A. Economic and Community Development Committee
- B. Infrastructure and Environment Committee
- C. Administration, Finance and Legislation Committee

- 1. *Ordinance Amending Title 3, Chapter 3, of the Bensenville Village Code to Provide for Issuance of a Class A Liquor License to the Village of Bensenville for the Redmond Recreational Center*
- 2. *Resolution Appointing Freedom of Information Act Officers in Accordance with Public Act 96-542*

- D. Public Safety Committee

IX. INFORMATION ITEMS

A. PRESIDENT'S REMARKS

Presentation from Bensenville School District 2

B. VILLAGE MANAGER'S REPORT

Policy on Village Inspections prior to Residential Sound Insulation Program (RSIP) actions

C. CORRESPONDENCES AND ANNOUNCEMENTS

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. EXECUTIVE SESSION

- A. Review of Executive Session Minutes [5 ILCS 120/2 (C)(21)]
- B. Personnel [5 ILCS 120/2(C)(1)]
- C. Collective Bargaining [5 ILCS 120/2 (C)(2)]
- D. Property Acquisition [5 ILCS 120/2(C)(5)]
- E. Litigation [5 ILCS 120/2(C)(11)]

XIII. MATTERS REFERRED FROM EXECUTIVE SESSION

XIV. ADJOURNMENT

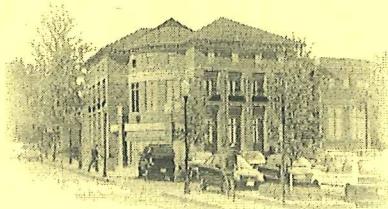
Please Note - The Village of Bensenville is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Village Hall (630-766-8200) at least 3 days prior to the meeting to allow the Village of Bensenville to make reasonable accommodations for those persons.

Village of Bensenville

12 South Center Street ♦ Bensenville, IL 60106

Phone: 630-766-8200 ♦ Fax: 630-594-1105

www.bensenville.il.us



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

DRAFT

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

December 1, 2009

CALL TO ORDER: 1. President Soto called the meeting to order at 6:48 p.m.

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

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

ABSENT: None

A quorum was present.

PUBLIC HEARING: President Soto opened the public hearing on the proposed property tax increase for The Village of Bensenville at 6:50 p.m.

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

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

ABSENT: None

A quorum was present.

Village Manager, Michael Cassady presented to the audience and Village Board a presentation for the proposed property tax increase.

PUBLIC COMMENT: Harvey Hoyer – 17W034 Bryn Mawr
Mr. Hoyer owns three properties in the Village of Bensenville and is a tax payer. Mr. Hoyer is against the tax increase. Mr. Hoyer would like see an increase in sales tax throughout the Village.

President Soto asked if there were any questions from the Board of Trustees, there were none.

Motion: Trustee Johnson made a motion to close the public hearing. Trustee O'Connell seconded the motion.

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

NAYS: None

Motion carried.

President Soto closed the public hearing at 7:16 p.m.

**PRESIDENT'S
REPORT:**

President Soto read a proclamation into the record for Bensenville joining State Officials in proclaiming December as Drunk Driving Prevention Month.

President Soto thanked Director of Special Events, Gary Thorsen, and staff for their hard work in making the Bensenville Tree Lighting a tremendous success.

President Soto congratulated the Bandits Football Program for winning the championship.

**MANAGER'S
REPORT:**

Village Manager, Michael Cassady had no report.

ADJOURNMENT: Trustee Johnson made a motion to adjourn the meeting. Trustee Wesseler seconded the motion.

All were in favor.

Motion carried.

President Soto adjourned the meeting at 7:29 p.m.

JoEllen Ridder
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this _____ day, January, 2010

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

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

December 8, 2009

CALL TO ORDER: 1. President Soto called the meeting to order at 6:30 p.m.

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

Bartlett, Johnson, O'Connell, Peconio, Wesseler

ABSENT: Adamowski

A quorum was present.

With no objections from the Village Board, President Soto moved the presidential report to the beginning of the agenda.

**PRESIDENT'S
REPORT:**

Trustee Wesseler read a proclamation into the record proclaiming December 8, 2009 Carl Weldon Day in the Village of Bensenville.

President Soto read a proclamation into the record congratulating the Bensenville-Wood Dale Bandit Football Team.

President Soto has appointed Michael Cassady and Bob Ridder to the Bensenville Police Pension Board. Both have accepted the honor to serve on the Board.

**MANAGER'S
REPORT:**

Village Manager, Michael Cassady had no report.

**PUBLIC
COMMENT:**

Paul Heidemann – 169 Foley

Mr. Heidemann thanked the Village Board for their part in the Veteran Day Breakfast.

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**APPROVAL OF
MINUTES:**

4. The November 24, 2009 Village Board Meeting minutes were presented.

Motion:

Trustee Peconio made a motion to approve the minutes as presented. Trustee Bartlett seconded the motion.

All were in favor.

Motion carried.

**WARRANT NO.
10/15:**

5. President Soto presented Warrant No. 10/15 in the amount of \$899,152.49

Motion:

Trustee Wesseler made a motion to approve the warrant as presented. Trustee Peconio seconded the motion.

ROLL CALL:

AYES: Bartlett, Johnson, O'Connell, Peconio, Wesseler

NAYS: None

Motion carried.

**WARRANT NO.
10/16:**

5. President Soto presented Warrant No. 10/16 in the amount of \$558,186.19

Motion:

Trustee Johnson made a motion to approve the warrant as presented. Trustee Bartlett seconded the motion.

ROLL CALL:

AYES: Bartlett, Johnson, O'Connell, Peconio, Wesseler

NAYS: None

Motion carried.

Motion: 6. Trustee O'Connell made a motion to set the Consent Agenda as presented for an omnibus vote. Trustee Wesseler seconded the motion.

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

NAYS: None

Motion carried.

Resolution No.
R-172-2009:

A Resolution Authorizing the 2010 Para-transit Service Provider Agreement with Pace Suburban Bus Division. (Consent Agenda)

Motion: Trustee Johnson made a motion to approve by omnibus vote the consent agenda as presented. Trustee O'Connell seconded the motion.

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

NAYS: None

Motion carried.

Ordinance No.
67-2009:

4. Village President, Frank Soto, gave the summarization of the action contemplated in **Ordinance No. 67-2009** entitled **An Ordinance Adopting the 2009 Tax Levy for the Village of Bensenville, DuPage and Cook Counties, for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010.**

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

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

NAYS: None

Motion carried.

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Resolution No.

R-173-2009:

9. Village President, Frank Soto, gave the summarization of the action contemplated in **Resolution No. R-173-2009** entitled **A Resolution Authorizing the President to Execute a Memorandum of Understanding with the City of Chicago Regarding the Taking of Village-Owned Properties for Purposes of the Implementation of the O'Hare Modernization Program within the Village of Bensenville.**

Motion:

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

ROLL CALL:

AYES: Bartlett, O'Connell, Peconio, Wesseler

NAYS: Johnson

All were in favor.

Motion carried.

Resolution No.

R-174-2009:

9. Village President, Frank Soto, gave the summarization of the action contemplated in **Resolution No. R-174-2009** entitled **A Resolution in Support of O'Hare Noise Compatibility Commission Request for Reconsideration of Certain Sound Insulation Funding Eligibility.**

Motion:

Trustee Johnson made a motion to adopt the ordinance as presented. Trustee Wesseler seconded the motion.

ROLL CALL:

AYES: Bartlett, Johnson, O'Connell, Peconio, Wesseler

NAYS: None

All were in favor.

Motion carried.

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**EXECUTIVE
SESSION:**

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

Motion: Trustee Johnson made a motion to go into Executive Session. Trustee Wesseler seconded the motion.

All were in favor.

Motion carried.

President Soto recessed the meeting at 7:30 p.m.

President Soto called the meeting back to order at 8:19 p.m.

ROLL CALL:

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

Bartlett, Johnson, O'Connell, Peconio, Wesseler

ABSENT: Adamowski

A quorum was present.

Motion: Trustee Peconio made a motion to approve the settlement agreement dated October 14, 2009 between the Village of Bensenville and the Bensenville Park District. Trustee Johnson seconded the motion.

All were in favor.

Motion carried.

Motion: Trustee O'Connell made a motion to accept the joint waste water service agreement between the Village of Bensenville and the Bensenville Park District as submitted. Trustee Wesseler seconded the motion.

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

NAYS: None.

All were in favor. Motion carried.

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

All were in favor.

Motion carried.

President Soto adjourned the meeting at 8:25 p.m.

JoEllen Ridder
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this _____ day, January, 2010

VILLAGE OF BENSENVILLE

TYPE: Ordinance

SUBMITTED BY: Denise Pieroni

DATE: January 6, 2010

DESCRIPTION: Ordinance amending code to allow for the sale and service of alcoholic beverages at the Redmond Recreational Center (inclusion of Edge I and II)

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

Financially Sound Village
 Quality Customer Oriented Services
 Safe and Beautiful Village

Enrich the lives of Residents
 Major Business/Corporate Center
 Vibrant Major Corridors

COMMITTEE ACTION: Due to timing and the ministerial nature of the action this matter was not presented to the Administration, Finance & Legislation Committee for reviewed and **DATE:** N/A recommendation

BACKGROUND: Since 2002 the Village has routinely annually issued a Liquor License to the Village of Bensenville for the Redmond Recreational Center. We have been advised by Counsel that per State Statute the Corporate Authorities must provide by ordinance authorization for the sale and delivery of alcoholic beverages in any specifically designated building belonging to or under the control of the municipality. We find no record of any such ordinance being enacted by the Bensenville Corporate Authorities. To ensure compliance with this provision in the statute, consideration of an amendment to the Code authorizing the sale and serving of alcoholic beverages at the Redmond Recreational Center is being requested.

KEY ISSUES: Assuming the Village Board wishes to continue to sell and service alcohol this facility, the Village Code needs to be amended to provide for this authorization.

ALTERNATIVES: Discontinue the sale and delivery of alcoholic beverages at the center including the sale and delivery within the sports bar located within that Center.

RECOMMENDATION: Approve attached ordinance amending Code to provide for the sale and delivery of alcoholic beverages at the Redmond Recreational Center.

BUDGET IMPACT: If amendment is not approved, the liquor licenses issued for this location will need to be revoked and the sale and delivery of alcoholic beverages at this location will need to be suspended indefinitely resulting in the loss of revenues generated by this operation.

ACTION REQUIRED: Board action on the ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, OF THE BENSENVILLE VILLAGE CODE TO PROVIDE FOR ISSUANCE OF A CLASS A LIQUOR LICENSE TO THE VILLAGE OF BENSENVILLE FOR THE REDMOND RECREATIONAL CENTER

WHEREAS, the Village of Bensenville (“Village”) is a municipality duly organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and is authorized to provide for the licensing of the sales and service of alcoholic beverages within its boundaries pursuant to the Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*; and

WHEREAS, in particular, Section 5/6-15 of the Liquor Control Act of 1934, 235 ILCS 5/6-15, authorizes the corporate authorities of any municipality or township to provide by ordinance for the sales and delivery of alcoholic beverages in any specifically designated building belonging to or under the control of that municipality or township; and

WHEREAS, the Village owns the Redmond Recreational Center (“Center”), 735 East Jefferson Street, Bensenville, which is part of the Redmond Recreational Complex (“Complex”), an eighty-eight-(88) acre park complex owned and operated by the Village and used by Village residents and the general public for a variety of passive and active recreational activities; and

WHEREAS, among others services and facilities, the Center is the site for the games of the Chicago Steel Hockey Team, a Tier 1 junior professional ice hockey team of the Eastern Division of the United States Hockey League; and

WHEREAS, mainly for Chicago Steel Hockey Team games, the Village operates refreshment concessions in the Center and desires to sell and serve alcoholic beverages in connection therewith; and

WHEREAS, the President and Board of Trustees find that it is appropriate, for the convenience of attendees of Chicago Steel games and other users of the Center, to authorize and provide for the issuance of a Class A Liquor License for the Center; and

WHEREAS, accordingly, President and Board of Trustees determine that it is appropriate to amend Title 3, Chapter 3, Liquor Regulation, of the BENSENVILLE VILLAGE CODE, to add a new section, Section 3-1-25, Redmond Recreational Center Liquor License, providing for the issuance of said class of license to the Village for Center,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, assembled in a duly noticed regular meeting:

SECTION ONE: The foregoing recitals hereby incorporated by reference as if fully set forth.

SECTION TWO: Title 3, Chapter 3, of the BENSENVILLE VILLAGE CODE is hereby amended to add Section 3-1-25, Redmond Recreational Center Liquor License, as follows:

Pursuant to Section 5/6-15 of the Liquor Control Act of 1934, 235 ILCS 5/6-15, the issuance of a Class A Liquor License to the Village for the Redmond Recreational Center, 735 East Jefferson Street, Bensenville, Illinois, is hereby provided for and the Local Liquor Control Commissioner and the Village Clerk are hereby authorized and directed to issue such license, subject to provisions of state statute and of this Chapter 3.

SECTION THREE: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 12th day of January 2010.

Frank Soto, Village President

ATTEST:

Jo Ellen Ridder, Village Clerk

AYES: _____

NAYS: _____

ABSENT: _____

VILLAGE OF BENSENVILLE

TYPE: Resolution **SUBMITTED BY:** Denise Pieroni **DATE:** January 6, 2010

DESCRIPTION: Resolution appointing Freedom of Information Act Officers and designating the Officers/Employees to receive training on the Open Meetings Act as required under Section 5 of Public Act 96-0542

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/>	Financially Sound Village
<input checked="" type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village

<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

COMMITTEE ACTION: Due to timing and the ministerial nature of the action this matter was not presented to the Administration, Finance & Legislation Committee for reviewed and **DATE:** N/A recommendation

BACKGROUND: Public Act 96-0542, which went into effect January 1, 2010, amends the Open Meetings Act (OMA) to require that a public body designate employees, officers or members of the body to receive training on compliance with the Open Meetings Act and amends the Freedom of Information Act (FOIA) to require that a public body designate one or more officials or employees to act as the body's Freedom of Information officer. The resolution presented for your consideration would serve to bring the Village in compliance with these amendments. Based on their involvement in certain aspects of the public meeting process, it is recommended that the Village Clerk, JoEllen Ridder and Executive Assistant Mary Rivera be designated as the individuals to receive training on compliance with the Open Meetings Act and that the Village Clerk, JoEllen Ridder and the Deputy Village Clerk, Corey Williamsen, be designated as the body's Freedom of Information officers. The resolution which is being presented for your consideration would serve to confirm these designations.

KEY ISSUES: Action by the Village Board on these designations is required to bring us in compliance with this Public Act that went into effect on January 1, 2010.

ALTERNATIVES: Make modification as to who is designated to receive the OMA training and/or who is to serve as the Village's FOIA Officers. .

RECOMMENDATION: Approve the attached resolution providing for these designations.

BUDGET IMPACT: No impacts in that current officers/staff are being recommended for designation.

ACTION REQUIRED: Board action on the resolution.

RESOLUTION NO. _____

**RESOLUTION APPOINTING FREEDOM OF INFORMATION ACT OFFICERS
IN ACCORDANCE WITH PUBLIC ACT 96-542**

WHEREAS, the Village of Bensenville (“Village”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village is a “public body” pursuant to Section 1.02 of the Open Meetings Act (“OMA”), 5 ILCS 120/1.02, and Section 2 (a) of the Freedom of Information Act (“FOIA”), 5 ILCS 140/2 (a), and, accordingly, subject to the provisions of those Acts; and

WHEREAS, effective January 1, 2010, Section 5 of Public Act 96-0542 amends the OMA to require that a public body designate employees, officers or members of the body to receive training on compliance with the OMA and Section 10 of Public Act 96-0542 amends the FOIA to require that a public body designate one or more officials or employees to act as the body’s Freedom of Information officer; and

WHEREAS, Village Clerk JoEllen Ridder and Deputy Village Clerk Corey Williamsen have heretofore administered all FOIA requests and it is appropriate that they should continue to do so; and

WHEREAS, accordingly, it is proper that JoEllen Ridder and Corey Williamsen be designated respectively Freedom of Information Officer and Deputy Freedom of Information Officer for the Village; and

WHEREAS, Village Clerk JoEllen Ridder and Village employee Mary Rivera have duties requiring their regular attendance at or assisting with Village Board of Trustee meetings and therefore should be the Village officer and employee designated to receive OMA training,

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1. The recitals set above are incorporated herein and made a part hereof.

SECTION 2. The Village Clerk and the Deputy Village Clerk are hereby designated and appointed respectively Freedom of Information Officer and Deputy Freedom of Information Officer for the Village to exercise all powers and to carry out all duties of that office as now provided for or as may be hereafter provided for, and Village Clerk JoEllen Ridder and Village employee Mary Rivera be designated the Village officer and employee to receive OMA training;

SECTION 3. This Resolution shall take effect immediately upon adoption.

SECTION 4. All resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this ____th day of January 2010.

APPROVED:

Frank Soto, Village President

ATTEST:

JoEllen Ridder, Village Clerk

Ayes: _____

Nays: _____

Absent: _____

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TYPE: Discussion SUBMITTED BY: S. Viger DATE: 01.06.10

DESCRIPTION: Policy direction on village inspections prior to Residential Sound Insulation Program (RSIP) activity.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village	<input checked="" type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Quality Customer Oriented Services	<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Safe and Beautiful Village	<input type="checkbox"/>	Vibrant Major Corridors

BOARD ACTION: New

DATE: 01.12.10

BACKGROUND

The Village requires that homes be inspected and any identified code deficiencies be corrected before homeowners can receive the sound insulation upgrades. We are the only community in the RSIP with such a requirement.

KEY ISSUES:

Balancing the Village's access to individual homes, maintenance of the community housing stock, personal privacy and the benefits of the Residential Sound Insulation Program.

ALTERNATIVES:

Retain the policy as is.

Eliminate the pre inspection requirement

Alter the pre inspection requirement

RECOMMENDATION:

Staff would recommend that the inspection prerequisite be eliminated.

BUDGET IMPACT:

Eliminating the outside consultant and / or the inspections in total provides a cost savings to the Village.

ACTION REQUIRED:

Resolution stating the Village Board's direction to terminate the village inspection requirement prior to RSIP actions.

Bensenville Memo

Date: December 22, 2009

To: M. Cassady

From: S. Viger

RE: Residential Sound Insulation Program

As the Residential Sound Insulation Program (RSIP) and the Village gear up for this year's effort, I wanted to bring up the procedural/policy issue of the Village's Life Safety Inspection prerequisite for receiving the sound insulation.

The Village requires that owners subject their property to an inspection and correction of code deficiencies prior to the RSIP work commencing. RSIP tells us and our residents that Bensenville is the only municipality with such a requirement.

Historically, the Village has engaged B & F Technical to perform the inspections and develop cost estimates. If the estimated cost of the code corrections was under \$2,500 and the owner choose not to correct the deficiencies they were required to pay the Village \$250 to cover the approximate cost of the inspection. Similar to the HIP any required permit fees are waived for the owner. Then when the RSIP installs the sound insulation windows etc. they pay a \$250 permit fee.

This year staff intended to perform the inspections rather than contracting the service out.

We are seeking direction as to whether the Village wants to continue the pre inspection program, alter or eliminate it.