

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 17, 2019

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

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

Carmona, Franz, Frey, Lomax, Panicola, Perez

Absent: None

A quorum was present.

Staff Present: E. Summers, J. Caracci, T. Finner, G. Ferguson, J. McManus, M. Ribando, D. Schulze, S. Viger, C. Williamsen

PUBLIC COMMENT:

Joji Abraham – 115 East Green Street, Bensenville, Illinois

Mr. Abraham addressed the Village Board regarding his business. Mr. Abraham submitted a letter to the Village Board. The letter is attached to the minutes as "Exhibit A".

Jose Carrera – 125 West Grand Avenue, Bensenville, Illinois

Mr. Carrera presented the Village Board and Community Foundation with a donation to help families during Christmas on behalf of Grand Subaru.

Motion:

Trustee Carmona made a motion to deviate from the set agenda and move the Holiday Decoration Contest Winners to this portion of the meeting. Trustee Frey seconded the motion.

All were in favor. Motion carried.

**Holiday Decoration
Contest Winners:**

President DeSimone announced the winners of the Holiday Decoration Contest:

1st Place: 402 Marshall Road

2nd Place: 835 South Addison Road

**APPROVAL OF
MINUTES:**

3. The November 17, 2019 Special Village Board Meeting minutes were presented.

Motion: Trustee Panicola made a motion to approve the minutes as presented. Trustee Franz seconded the motion.

All were in favor. Motion carried.

WARRANT NO.

19/21: 4. President DeSimone presented **Warrant No. 19/21** in the amount of \$6,679,335.20.

Motion: Trustee Perez made a motion to approve the warrants as presented. Trustee Lomax the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-132-2019:

5. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-132-2019** entitled a **Resolution Granting the Authority to the Village Manager to Accept Electricity Pricing on Certain Village Accounts.**

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-133-2019:

6. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-133-2019** entitled a **Resolution Authorizing an Agreement with the Res Publica Group and the Village of Bensenville for Professional Services.**

There were no questions from the Village Board.

Motion: Trustee Perez made a motion approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-134-2019:

7. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-134-2019** entitled a **Resolution Approving to Extend the 2019 Agreement with Avion Consultants, LLC and the Village of Bensenville for Aviation Consulting Services for 2020.**

There were no questions from the Village Board.

Motion:

Trustee Perez made a motion approve the resolution as presented. Trustee Carmona seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-135-2019:

8. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-135-2019** entitled a **Resolution Approving a Façade Improvement Program Grant in the Not-to-Exceed Amount of \$10,000 for Bensenville Animal Hospital at 1208 W. Irving Park Rd.**

There were no questions from the Village Board.

Motion:

Trustee Franz made a motion approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-136-2019:

9. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-136-2019** entitled a **Resolution**

Approving a Façade Improvement Program Grant in the Not-to-Exceed Amount of \$10,000 for Armando Perez State Farm Agency.

Trustee Perez recused himself from the action item.

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented.
Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

Recused: Perez

All were in favor. Motion carried.

**Ordinance No.
73-2019:**

10. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 73-2019** entitled an **Ordinance Approving Variations to Allow Reductions in Maximum Front and Corner Side Setbacks, an Increase in Maximum Driveway Width, and Relief from On-Site Pedestrian Circulation System Requirements at 321 West Irving Park Road.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion to adopt the ordinance as presented.
Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
74-2019:**

11. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 74-2019** entitled an **Ordinance Approving Text Amendments to Title 10, Sections 7, 8, and 11 (Zoning Ordinance), Village Code.**

There were no questions from the Village Board.

Motion: Trustee Lomax made a motion to adopt the ordinance as presented.

Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Ordinance No.
75-2019:

12. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 75-2019** entitled an **Ordinance Revoking a Planned Unit Development at 720 East Green Street, Bensenville.**

There were no questions from the Village Board.

Motion: Trustee Panicola made a motion to adopt the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Ordinance No.
76-2019:

13. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 76-2019** entitled an **Ordinance Amending the Municipal Code of the Village of Bensenville Prohibiting Cannabis Business Establishments.**

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion to adopt the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Ordinance No.
_____ :

14. President DeSimone gave the summarization of the action contemplated in **Ordinance No. _____** entitled an **Ordinance to**

Approve an Economic Incentive Agreement with Grand Subaru, LLC for the Sharing of Municipal Retailer's Occupation Tax Revenues.

Motion: Trustee Lomax made a motion to strike the ordinance from the agenda. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
77-2019:**

15. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 77-2019** entitled an **Ordinance Amending Title 3, Chapter 3, Section 5 of the Bensenville Village Code to Reduce the Number of Class K-1 Liquor Licenses Outstanding at Any One Time from One (1) to Zero (0).**

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion to adopt the ordinance as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-137-2019:**

16. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-137-2019** entitled a **Resolution Authorizing a Final Balancing Change Order with Schroeder Asphalt Services, Inc. of Huntley, IL in a Credit of \$124,175.50 for the 2019 MFT HMA Pavement Program – General Maintenance for a Final Contract Cost of \$208,180.08.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-138-2019:

17. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-138-2019** entitled a **Resolution Authorizing the Execution of Supplement No. 1 and Supplement No. 2 for the Design Engineering Services for the 2019 Village Street Improvements Project with James J. Benes & Associates, Inc. in the Not-to-Exceed Amount of \$70,784.00.**

There were no questions from the Village Board.

Motion:

Trustee Lomax made a motion approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-139-2019:

18. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-139-2019** entitled a **Resolution Authorizing the Execution of Year Two (2) of a two (2) year contract with Alexander Chemical Corporation, a Carus Company for the purchase and delivery of Sodium Hypochlorite in the not-to-exceed amount of \$20,999.**

There were no questions from the Village Board.

Motion:

Trustee Franz made a motion approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-140-2019:

19. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-140-2019** entitled a **Resolution**

Authorizing the Execution of Year Two (2) of a two (2) Year Contract with Alexander Chemical Corporation, a Carus Company for the Purchase and Delivery of Sodium Bisulfite in the Not-to-Exceed Amount of \$11,715.

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-141-2019:**

20. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-141-2019** entitled a **Resolution Authorizing an Extension Agreement with Brenntag Great Lakes, LLC for the Purchase and Delivery of Polymer for 2020 in the Not-to-Exceed Amount of \$31,366.44.**

There were no questions from the Village Board.

Motion: Trustee Lomax made a motion approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-142-2019:**

21. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-142-2019** entitled a **Resolution Authorizing the Execution of Year Two (2) of a Two (2) Year Contract with Alexander Chemical Corporation, a Carus Company for the Purchase and Delivery of Aluminum Sulfate (Alum) in the Not-to-Exceed Amount of \$15,000.**

There were no questions from the Village Board.

Motion: Trustee Perez made a motion approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-143-2019:

22. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-143-2019** entitled a **Resolution Authorizing the Execution of a "GIS Consortium Service Provider Contract" with Municipal GIS Partners, Inc. (MGP) for the 2020 Calendar Year in the Not-to-Exceed Amount of \$87,250.**

There were no questions from the Village Board.

Motion:

Trustee Franz made a motion approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-144-2019:

23. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-144-2019** entitled a **Resolution Authorizing a Professional Service Agreement Extension for 2020 with TekLab Inc. for Wastewater Sampling & Analysis Services in the Not-to-Exceed Amount of \$67,900.**

There were no questions from the Village Board.

Motion:

Trustee Perez made a motion approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-145-2019:

24. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-145-2019** entitled a

Resolution Authorizing the Execution of a Year Two (2) of a Four (4) Year Contract with Winkler's Tree Service Inc. for 2020 Parkway Tree Pruning Program in the Not-to-Exceed Amount of \$51,418.

There were no questions from the Village Board.

Motion: Trustee Perez made a motion approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-146-2019:**

25. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-146-2019** entitled a **Resolution Authorizing the Execution of an Extension to the Contract with Addlawn Landscaping, Inc. for Lawn Maintenance Services in the Not-to-Exceed Amount of 70,000.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-147-2019:**

26. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-147-2019** entitled a **Resolution Authorizing the Approval of a Purchase Order to Cartograph Systems Inc. for year two (2) of a three (3) year Purchase Agreement for the Annual Maintenance of the Work Management System in the Not-to-Exceed Amount of \$35,804.16.**

There were no questions from the Village Board.

Motion: Trustee Lomax made a motion approve the resolution as presented.

Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-148-2019:

27. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-148-2019** entitled a **Resolution Authorizing the Execution of a Year Two (2) of a Two (2) Year Contract with Eternally Green Lawn Care in the Not-to-Exceed Amount of \$13,998.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-149-2019:

28. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-149-2019** entitled a **Resolution Authorizing the Execution of a Purchase Order to Al Warren Oil Company, Inc. for Providing Fuel Tank Rental and Fleet Fueling Services in the Not-to-Exceed Amount of \$137,775.**

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-150-2019:

29. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-150-2019** entitled a **Resolution**

**Authorizing the Execution of the PACE Paratransit Local Share
Agreement for Participation in the 2020 Ride DuPage Program.**

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-151-2019:**

30. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-151-2019** entitled a **Resolution Authorizing Year One (2) of a Two (2) Year Contract with Clarke Environmental Mosquito Management, Inc. for Mosquito Abatement Services in the Not-to-Exceed Amount of \$36,200.**

There were no questions from the Village Board.

Motion: Trustee Panicola made a motion approve the resolution as presented. Trustee Carmona seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-152-2019:**

31. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-152-2019** entitled a **Resolution Authorizing to Waive Competitive Bidding and Execute of a One Year Contract Extension with Lindahl Brothers, Inc. for Sand & Stone Delivery and Debris Hauling in the Not-to-Exceed Amount of \$94,000.**

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-153-2019:

32. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-153-2019** entitled a **Resolution to Obtain Permits to Perform Work on State Highways**.

There were no questions from the Village Board.

Motion: Trustee Carmona made a motion approve the resolution as presented. Trustee Perez seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-154-2019:

33. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-154-2019** entitled a **Resolution Authorizing the Execution of a Year Two (2) of a Two (2) Year Contract with Best Quality Cleaning Inc. for Janitorial Services at the Police and Emergency Management Headquarters in the Not-to-Exceed Amount of \$26,400.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-155-2019:

34. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-155-2019** entitled a

Resolution Authorizing the Execution of a Construction Engineering Service Agreement with Strand Associates, Inc. for the Supreme Dr. (LS-13) and Spruce Ave (LS-17) Lift Station Upgrades in the Not-to-Exceed Amount of \$76,800.

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-156-2019:**

35. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-156-2019** entitled a **Resolution Authorizing the Award of a Construction Contract for the Supreme Dr. (LS-13) and Spruce Ave (LS-17) Lift Station Upgrades to John Neri Construction Company, Inc. in the Amount of \$834,250.**

There were no questions from the Village Board.

Motion: Trustee Lomax made a motion approve the resolution as presented. Trustee Perez seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-157-2019:**

36. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-157-2019** entitled a **Resolution Authorizing the Execution of a Construction Engineering Services Agreement for the Church Road Pump Station Improvements to Strand Associates in the Not-to-Exceed Amount of \$59,750.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented.

Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-158-2019:

37. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-158-2019** entitled a **Resolution Authorizing the Execution of a Construction Contract for the Church Road Pump Station Improvements to Dahme Mechanical Industries, Inc. in the Amount of \$595,000.**

There were no questions from the Village Board.

Motion: Trustee Perez made a motion approve the resolution as presented.
Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-159-2019:

38. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-159-2019** entitled a **Resolution Authorizing a Licensing Agreement for Food and Beverage Service Operations at the Edge Ice Arenas Between Bella Vista Banquets and the Village of Bensenville.**

There were no questions from the Village Board.

Motion: Trustee Franz made a motion approve the resolution as presented.
Trustee Lomax seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-160-2019:

39. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-160-2019** entitled a **Resolution**

**Authorizing a Joint Ice Arena and Facility Usage License
Agreement with the Janesville Jets, Springfield Jr. Blues and
the Topeka Pilots of the North American Hockey League.**

There were no questions from the Village Board.

Motion: Trustee Panicola made a motion approve the resolution as presented. Trustee Carmona seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

**PRESIDENT'S
REMARKS:**

President DeSimone thanked all those involved for the CP Rail Holiday Train event held on December 2nd. President DeSimone announced the Bensenville Food Pantry received a \$10,000 check from CP Rail along with a \$2,000 check from Grand Subaru.

President DeSimone thanked all that were involved in another successful Toy Drive event.

President DeSimone announced the Village has begun a new Christmas light recycling program that started on December 1st and will end February 29th. President DeSimone announced receptacles are placed at Public Works and Village Hall.

President DeSimone announced the next Village Board Meeting is January 14, 2020.

President DeSimone wished all Happy Holidays!

**MANAGERS
REPORT:**

Village Manager, Evan Summers, announced Village Hall will be closed in observation of Christmas and New Years on 12/24; 12/25 12/28; 12/31; 1/1 and 1/4.

Mr. Summers announced that garbage pick-up would occur a day later due to the Holidays.

Mr. Summers announced the Village has installed a new outdoor skating rink in Village Park that is free to participants.

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VILLAGE ATTORNEY

REPORT: Village Attorney, Joseph Montana, had no report.

UNFINISHED

BUSINESS: There was no unfinished business.

NEW BUSINESS: There was no new business.

**EXECUTIVE
SESSION:** Village Attorney, Joseph Montana, stated there was not a need for Executive Session.

ADJOURNMENT: Trustee Perez made a motion to adjourn the meeting. Trustee Carmona seconded the motion.

All were in favor. Motion carried.

President DeSimone adjourned the meeting at 7:15 p.m.

Nancy Quinn
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 14th day, January 2020

December 17, 2019
Village Board Meeting Minutes
Exhibit A (2 pgs.)

From,
JMS ONE INC
115 E Green st
Bensenville IL 60106

To
The Honorable President
Trustees and The Clerk
Village OF Bensenville
Illinois

My name is Joji Abraham, and my Business Partner name is Shyju Varghese, we are the owners of JMS ONE INC located at 115 E Green St, Bensenville IL 60106. We are running a small van rental business since 2017. We are one of the smallest rental company in the city of Bensenville. We have another location in Berwyn IL and one in Deerfield IL. We have a total of 21 Vans in all locations.

By Illinois law Car/Van rental company's falls under

Illinois Automobile Renting Occupation and Use Tax

Even though we are the legal owners of the vehicle, we don't use this vehicle. Our customers use this vehicle for the personal or Business needs, and we collect tax from them based upon final sale amount and We are paying monthly tax to the state of Illinois and the city of Bensenville based on the Total sale amount per transaction. City of Bensenville is getting 1% of the total sales. Until November 2019 we collected \$3793 from our customer for the city of Bensenville. State of Illinois Cap maximum 1% tax on village and township taxing rental companies. When we sell these vehicles, we also need to collect the sale tax like a car dealership.

Even though we are a very small business, our business indirectly supports the local gas stations at York St and Green St. All rentals vehicles supposed to be return with same amount of fuel at pick up. So, most of the customers use the gas stations nearby. So, it's a Support for the local business and the village.

On 12/06/2019 we received 15 warning notice and 2 ticket for \$50 each in our vehicle, parked in our parking lot not having the "Annul Vehicle Tax Sticker" on our vehicles. Unlike any other business vehicles registered in the city of Bensenville, even though we own the registered owners of the vehicles, but we

are not the users of the vehicle. From the real users collect \$3793 so far this year for the city of Bensenville and paid. This is a double taxation for small business like us.

If you read the Village of Bensenville Code, you can see that village exempt vehicles with Apportioned plates not to have village stickers in their vehicles because, they are paying tax to the state and the city where they use.

Like Apportioned plates vehicles, we pay the tax based on our sale receipt.

Like any store selling a product in Bensenville, Our Vehicles are our products like products in any store. When we sell the product to public, we are happy to collect the tax from our customers. But village cannot force us to have another tax on our product, while we are keeping it in our shelf, waiting for the customer to come and pick up. That is totally unfair for a small business.

Our vehicles are not using any city roads or infrastructure while sitting in out lots.

For Example: HVAC Mechanic who owns a truck, use his truck to go to customers house. He won't charge the customer anything separates for the use of truck, but his total bill to the customer includes the use of the truck for customers need. He is not paying any tax or fee other than village of Bensenville other than the Annual village sticker for \$30. But so far this year we paid an average of \$180/truck which is 6 times more than the village sticker price. If you look the big car rental companies in Bensenville or nearby cities, 2 in York Road in Elmhurst you won't see any village stickers in their vehicles. More over their vehicles are parked in Gated property. No police and village won't show the courage to give citation to those big companies the same way when Uber and Lyft run taxi service without any License. On 12/16/2019 there are 6 other vehicles from other company's parked in the same building parking lot where our vehicles parked. We didn't see a ticket in those vehicles. I don't know why the police department didn't see those vehicles without a city sticker parked overnight. This shows that city of Bensenville just targets our business alone, who pay tax to the city in a regular basis and ignore other business who pays no tax for using the vehicle in Bensenville.

By this letter we are requesting the village board to study the facts we mentioned in this letter and exempt our business from buying any village sticker for keeping the vehicle in our parking lot, while holding the vehicles before the customers pick up.

Thanking you

JMS ONE INC