

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

MINUTES OF THE SPECIAL VILLAGE BOARD OF TRUSTEES MEETING
November 30, 2023

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

ROLL CALL: 2. Upon roll call by Deputy Village Clerk, Corey Williamsen, the following Board Members were present:

President DeSimone, Carmona, Franz, Panicola, Perez

Absent: Village Clerk Quinn, Frey, Lomax

A quorum was present.

Staff Present: E. Summers, J. Caracci, C. Williamsen

PUBLIC COMMENT: **Chris McCullough – 829 Brentwood Dr, Bensenville, IL 60106**
Mr. McCullough addressed the Village Board with his concerns regarding the Senior Center buildout.

Valarie Special – 120 Forestview Dr., Bensenville, IL 60106
Ms. Special addressed the Village Board with her concerns regarding notice for the Special Village Board Meeting, Facebook notifications and the Senior Center buildout.

APPROVAL OF MINUTES: 4. There were no minutes for approval.

WARRANT NO.
_____: 5. There was no warrant for approval.

Resolution No.
R-138-2023: 6. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-138-2023** entitled a **Resolution of the Village of Bensenville, DuPage and Cook Counties, Illinois, Authorizing the Village Manager to Direct Legal Action Against Old Republic Surety Company by the Village's Special Counsel and Negotiate Any Settlement.**

Village Manager, Evan Summers, stated Empire Construction Company was the low bidder on the Senior Center RFP. Mr. Summers stated under DCEO rules, the Village was required to accept Empire Construction Company as the lowest responsible bidder.

Mr. Summers stated the Village of Bensenville entered into a contract with Empire Construction Company that would act as a general contractor responsible to perform construction work on the Senior Center buildout project at Village Hall.

Mr. Summers stated during construction and without notice, Empire abandoned its work under the contract and ceased its operations and the Village declared Empire in default and terminated the contract.

Mr. Summers stated pursuant to the contract and Illinois Law, Empire secured a performance bond from Old Republic Surety Company guaranteeing payment and performance obligations required under the contract (the "Bond").

Mr. Summers stated the Village has tried to negotiate settlement with the Surety for over six months to no avail.

Mr. Summers stated under Illinois Law, the attached resolution would authorize the Village Manager to take legal action against the Surety in order to move forward and create a path to complete the project.

Mr. Summers stated the Village has employed the law firm of Watt, Tieder, Hoffar & Fitzgerald LLP as special counsel to pursue and enforce all its legal rights under the Bond.

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

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

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-139-2023:**

7. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-139-2023** entitled a **Resolution Authorizing Staff to Waive Competitive Bidding and Enter into a Contract with FH Paschen to Complete the Construction of the Senior Center in the Not-to-Exceed Amount of \$800,000 Pending Attorney Review and DCEO Concurrence.**

Director of Public Works, Joe Caracci stated the original contractor on the Senior Center Project, Empire Construction, went into default on the contract. Mr. Caracci stated the Surety that holds the performance bond competitively bid for a completion contractor. Mr. Caracci stated FH Paschen was recommended by the Surety to complete the project as the lowest responsible bidder. Mr. Caracci stated the Village seeks to enter into a completion contract with FH Paschen in the not-to-exceed amount of \$800,000.

Mr. Caracci stated Staff is currently in the process of confirming with DCEO that this contract would satisfy their procurement process and be reimbursable on the grant. Mr. Caracci stated once approved by DCEO, we would put together the contract document and execute the contract.

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

ROLL CALL: AYES: Carmona, Franz, Panicola, Perez, President DeSimone

NAYS: None

All were in favor. Motion carried.

**PRESIDENT'S
REMARKS:**

President DeSimone stated he had no report.

**MANAGERS
REPORT:**

Village Manager, Evan Summers stated he had no report.

**VILLAGE ATTORNEY
REPORT:**

Village Attorney, P. Joseph Montana, stated he had no Village Attorney 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 Carmona made a motion to adjourn the meeting. Trustee Perez seconded the motion.
- ROLL CALL:** AYES: Carmona, Franz, Panicola, Perez
- NAYS: None
- All were in favor. Motion carried.
- President DeSimone adjourned the meeting at 6:43 p.m.