



Town of Berwick

NOTICE OF PUBLIC MEETING

DATE OF NOTICE: November 5, 2004

A public hearing will be held as follows:

DATE: November 9, 2004

TIME: 7:15 P.M.

PLACE OF MEETING: Town Hall Council Room
3225 Third St.
Berwick, LA 70342

AGENDA:

Call to Order: 7:00 P.M.

Prayer:

Pledge of Allegiance:

Roll Call:

Minutes from last meeting: October 12, 2004

Treasurer's Report:

Police Report:

Fire Report:

Public Works Report:

Committee Reports:

Consulting Engineers Report:

NEW BUSINESS:

1. 7:15 - Public Hearing
 - Ordinance #536 - Swimming Pool Maintenance
 - Ordinance #537 - Pipeline Right-of-Ways
 - Ordinance #538 - Adopt the adjusted millage rate(s) for the tax year 2004
 - Ordinance #539 - Adopt the adjusted millage rate(s) after Reassessment and roll forward the millage to a rate(s) not to exceed the prior year's maximum millage for the tax year 2004
 - Ordinance #540 - Adopt Drainage Tax
4. Adopt Ordinance #536 - Swimming Pool Maintenance
5. Adopt Ordinance #537 - Pipeline Right-of Ways
6. Adopt Ordinance #538 - Adopt the adjusted millage rate(s) for the tax year 2004
7. Adopt Ordinance #539 - Adopt the adjusted millage rate(s) after Reassessment and roll forward the millage to a rate(s) not to exceed the prior year's maximum millage for the tax year 2004.
8. Adopt Ordinance #540 - Adopt Drainage Tax
9. Babin Marine - Rental of Hellenic Property
10. Peter "Dutch" Van Denaardweg
11. Appoint Newell Slaughter Town Clerk
12. Port of Morgan City - Fund Request
13. Brent Bergeron

Adjournment

Newell W. Slaughter, Town Clerk
Town of Berwick
P.O. Box 486
Berwick, Louisiana 70342
(985) 384-8858

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Newell W. Slaughter at (985) 384-8858, describing the assistance that is necessary.

PROCEEDINGS OF THE MAYOR AND COUNCIL
OF THE TOWN OF BERWICK, STATE OF LOUISIANA
TAKEN AT A REGULAR MEETING HELD ON TUESDAY

November 9, 2004

The Mayor and Council of the Town of Berwick, State of Louisiana, met in regular session at their regular meeting place, the Town Hall, Berwick, Louisiana, Tuesday, November 9, 2004 at seven (7:00) o'clock p.m.

There were present: Mayor Emmett Hardaway, and Councilmen, Bill Johnson, Ray Rasberry, Louis Ratcliff, Elaine Cantrell and Edgar Thomas, Jr.

Absent: None

Also present were representatives of the Daily Review, KQKI and Channel 39.

Mayor Hardaway led the prayer.

Edgar Thomas, Jr. led the Pledge of Allegiance.

The Mayor and Council of the Town of Berwick, State of Louisiana were duly convened as the governing authority of said Town, by Honorable Emmett Hardaway, Mayor, who then stated that, the Mayor and Council were ready for the transaction of business.

The minutes of the previous meeting, having been reviewed, was approved without reading upon motion by Mr. Ratcliff and seconded by Mr. Johnson.

The Treasurer's report, having been reviewed, was approved without reading upon motion by Ms. Cantrell and seconded by Mr. Thomas.

Karen Foreich with the Berwick Garden Club addressed the Mayor and Council to thank them for their help in beautifying the Town of Berwick. They presented the Mayor and Council with a plaque and three pictures to be displayed in the Town Hall. The garden club also thanked the Town of Berwick's crews for their help and for the good job they do for the town. Steve Segura with Cleco was present to present the Garden Club with a \$500 check to be used in their beautification projects.

Brent Bergeron addressed the Mayor and Council to thank them for their support in reducing the speed limit on the Lionel Grizzaffi Bridge.

Peter "Dutch" Vandenaardweg addressed the Mayor and Council and also thanked them for doing a good job with Town affairs. He wanted to let the Mayor and Council know that his feelings had been hurt. He felt that he had been a friend to the town and that he had been treated with disrespect and that he was being railroaded. He stated that he had some property seized at Universal Marine and was upset that the town sold his property for scrap. He just wanted to get it off his chest and did not expect to receive his property back.

Jerry Bostic addressed the Mayor and Council to ask for a \$20,000 donation to help defray the expense of hiring of the Livingston/Jones Firm of Washington, D.C. to lobby the Corp of Engineers in hopes of dredging the Atchafalaya River to a depth of 20 feet. The port has a contract with the lobbying firm for \$185,000 per year and would like for Berwick, Morgan City, St. Mary Parish and Patterson to make contributions to the project. They have received a \$50,000 from the Atchafalaya River Coalition, \$20,000 from Morgan City, and \$10,000 from Cenac Towing. He asked that if the Town of Berwick could not give the entire \$20,000, that they give what they could. No action was taken by the Council.

The Mayor proceeded to item #1 on the agenda - A public hearing, on Ordinances listed by title on the agenda. Public hearings on the following ordinances were called:

#536-Swimming Pool Maintenance,

#537-Pipeline Right-of-Ways,

#538-Adopt the adjusted millage rate(s) for the tax year 2004,

#539-Adopt the adjusted millage rate(s) after reassessment and roll forward the millage to a rate(s) not to exceed the prior year's maximum millage for the tax year 2004,

#540-Adopt Drainage Tax.

Mike Thomason addressed ordinances on millage rates. He stated that he would like to see the town adopt a revenue neutral position. The Mayor explained the town had worked really hard over the past years to increase the property values in the town so that the town did not have to assess additional property taxes and that it would defeat the purpose of that hard work. There were no other comments on any of the proposed ordinances; therefore, the public hearings on each ordinance were closed.

Item #4 on the agenda – Consider for adoption Ordinance #536-Swimming Pool Maintenance. Upon motion by Louis Ratcliff, second by Elaine Cantrell Ordinance #536 was unanimously approved.

Item #5 on the agenda – Consider for adoption Ordinance #537-Pipeline Right-of-Ways. Upon motion by Ray Rasberry, second by Louis Ratcliff Ordinance #537 was unanimously approved.

Item #6 on the agenda – Consider for adoption Ordinance #538-Adopt the adjusted millage rate(s) for the tax year 2004. Upon motion by Elanie Cantrell, second by Bill Johnson Ordinance #538 was unanimously approved.

Item #7 on the agenda – Consider for adoption Ordinance #539-Adopt the adjusted millage rate(s) after reassessment and roll forward the millage to a rate(s) not to exceed the prior year's maximum millage for the tax year 2004. Upon motion by Bill Johnson, second by Ray Rasberry Ordinance #539 was unanimously approved.

Item #8 on the agenda – Consider for adoption Ordinance #539-Adopt Drainage Tax. Upon motion by Louis Ratcliff, second by Edgar Thomas Ordinance #540 was unanimously approved.

Item #9 on the agenda – Babin Marine asked to be removed from the agenda.

Item #10 on the agenda – Peter Vandenaardweg (see above)

Item #11 on the agenda – Appoint Newell W. Slaughter as Town Clerk. Upon motion by Bill Johnson, second by Bill Johnson Mr. Slaughter was unanimously approved as Town Clerk.

Chief James Richard presented the police report, a copy of which was included in each of the Councilmen's packets, for the month of October 2004. The mayor commended the Police Department for their alert police work that contributed to a major drug bust in Berwick. The mayor recommended that Officer David Duhon be commended and a letter of recognition be placed in his personnel file.

Chief Garrett Guillot presented the fire report, a copy of which was included in each of the Councilmen's packets for the month of October 2004. There were six calls for the month of October 2004: three false alarms, a fire in an outdoor smoker at 508 Lima Street, a structure fire at 2143 River Road #3 and an electrical problem at 505 Tournament Boulevard. Chief Guillot related the fire department's participation in extinguishing a fire at the Texaco Plant on the Intracoastal Waterway. Chief Guillot stated that Texaco would reimburse the fire department for any out of pocket expenses related to the fighting of the fire. Ray Rasberry told of his experience with a fire at the Texaco Plant some years ago.

Gulf South Engineers' monthly report was included in the packet, which each Councilman received prior to the meeting. Carl Jacob stated that the state capital outlay applications had been submitted to the state. Five projects were submitted: Renwick Blvd. extension, Civic Center Parking, Pattie Drive ditch enclosure, Fairview Drive waterline, and Front Street paving. Carl stated that the town was not selected for the Transportation Enhancement Program for 2004 and that he would apply for funds from that program again in 2005. The water line for the U.S. 90 Development(Star Enterprises) has been completed and the City of Patterson had started installation of the gas line. Completion date is estimated to be January/February 2005. Carl stated that Berry Brothers has expressed an interest in possibly moving the Ship Shoal lighthouse to Berwick.

The Public Works report was the next item on the agenda. A copy of this report was included in the packet each Councilman received prior to the meeting. Mr. Thomas asked when Phase II of the River Road sidewalk project would be started. Allen Benoit stated that it was slated to start in the next couple of weeks. Louis Ratcliff asked if the new ball field would be completed by the start of the season. Allen Benoit stated that it would be ready. The grand stands have been delivered and Cleco is preparing to install the light poles.

Mayor Hardaway asked if anyone from the audience had any comments or questions. Daren Ledet addressed the Council and said that he felt like was being railroaded like Mr. Vandenaardweg. He felt like the town was not being fair in its dealings with him in relation to Pipeline Right-of-Way Ordinance #537. The mayor referred his comments to Town Attorney, Allen McElroy, who stated that a public hearing was held at 7:15 P.M. and that the ordinance was already voted on and adopted. Mayor Hardaway stated that he felt like the ordinance did not change the events that are already happening on the pipeline right-of-way. The mayor stated that Mr. Ledet should have related any comments regarding the ordinance during the public hearing that was held at 7:15 P.M. Mr. Ledet stated that since this was his first time to participate in something like this and he did not know that he should have commented during the public hearing. Mr. Ledet said that he realized that the ordinance had been passed and there was really nothing that he could do about the matter. Bob Fuhrer, attorney for Daren Ledet, took exception with the statement that a public hearing was called on Ordinance #537. He stated that a public hearing was not held. Mr. Fuhrer asked Town Attorney McElroy if encroachment was defined in the ordinance. Mr. McElroy stated that encroachment has its legal term, which means that you come upon that area. Mr. Fuhrer also asked if the Police Department would enforce trespassing on the pipeline right-of-way. Mayor stated that if a complaint was filed, the Police Department would enforce the ordinance. Attorney McElroy stated that an individual would have to come forward and file a complaint and followed the proper procedure for the Police Department to enforce the law. Mr. Fuhrer stated some of the residences on Crenshaw Street have patios and other concrete pads that encroach on the pipeline right-of-way. Mr. Fuhrer wanted to know if there was language in the ordinance that addressed those situations. Mr. Fuhrer wanted to know if these people would be grandfathered in or would they be asked to remove those structures. Mr. McElroy stated that the Town of Berwick would not go back and investigate those situations, but that the Town of Berwick would not be issuing any permits for construction of any kind on the right-of-way. Mr. McElroy stated that if the owners of the pipeline right-of-way felt like another property owner was encroaching on their property that they should bring a civil suit.

Jan Sellers asked if there were any plans to convert the area under the bridge near Sixth Street to a recreation area. Louis Ratcliff stated that it has been discussed, but no plans have been adopted. Ms. Sellers also asked if the police department would enforce the ordinance relating to citizens removing their garbage from the side of the street. Mayor Hardaway asked Police Chief Richard to take care of this matter.

There being no further business to come before the Council, upon motion by Ray Rasberry and seconded by Louis Ratcliff the meeting adjourned.

Emmett Hardaway, Mayor

ATTEST:

Newell W. Slaughter, Town Clerk