



**Town of Berwick**

**NOTICE OF PUBLIC MEETING**

**April 10, 2012**

**Date of Notice: April 3, 2012**

**A Public Meeting will be held as follows:**

**Date: April 10, 2012**  
**Time: 7:15 P.M.**  
**Place: Council Meeting Room**  
**3225 Third Street**  
**Berwick, LA 70342**

**Call to Order: 7:00 P.M.**

**Prayer**

**Pledge of Allegiance**

**Roll Call: Duval Arthur, Penny Crappell, Troy Lombardo, Damon Robison, Edgar Thomas**

**Minutes from last meeting: March 13, 2012**

**Treasurer's Report**

**Guests:**

**Police Report**

**Fire Report**

**Public Works Report**

**Consulting Engineers Report**

**Committee Reports**

**NEW BUSINESS:**

- 1. Public Hearing - Application for conditional use permit for a 300' X 400' pond on Old Spanish Trail**
- 2. Public Hearing for Ordinance No. 632 – Cleco Franchise Agreement**
- 3. Consider approval of conditional use permit for a 300' X 400' pond on Old Spanish Trail**
- 4. Consider Approval of Ordinance No. 632 and authorization of agreements– Cleco Franchise Agreement**
- 5. Approve annual payment to Keep St. Mary Beautiful - \$4,954.74**
- 6. Berwick Housing Authority – Pilot Tax**
- 7. Consider Resolution No. 11-12 – Louisiana Recreational Trails**
- 8. Consider approval/acceptance/rejection/or re-bidding of bids for Phase V of Renwick Subdivision**
- 9. Proclamation No. 03-12 – Fair Housing Month**
- 10. Consider Introduction of Ordinance No. 633 – Refinance Renwick Boulevard Extension Bonds**
- 11. Consider approval of Resolution No. 12-12 – Capital Outlay, Sewer Reconstruction**

**Adjournment**

**Newell 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 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**

**April 10, 2012**

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, April 10, 2012, at seven (7:00) o'clock p.m.

There were present: Council members Duval Arthur, Troy Lombardo, Edgar Thomas, Penny Crappell and Damon Robison.

Absent: None

Also present were representatives of The Daily Review, KQKI and KWBJ.

Councilman Edgar Thomas led the prayer.

Councilman Damon Robison 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 the Honorable Louis Ratcliff, Mayor, who then stated that the Mayor and Council were ready for the transaction of business.

The minutes of the previous meeting were approved without reading upon motion by Duval Arthur and seconded by Damon Robison.

The Treasurer's report, having been reviewed, was approved without reading upon motion by Duval Arthur and seconded by Troy Lombardo.

Guest: Steve Segura with Cleco.

Police Chief James Richard presented the police report for the month of March, 2012. Chief Richard stated that the speeding tickets issued for March, 2012, were a little higher than the amount written in March 2011. Chief Richard also stated that arrests for March, 2012, were about the same as the amount written in March, 2011. Chief Richard stated that his men were prepared for the upcoming softball and baseball seasons. After no further comments from the council or audience, the mayor moved on to the next item on the agenda, the fire report.

Chief Allen Rink presented the fire report for February, 2012. There were eight calls for the month; two were residential false fire alarms, four vehicle crashes and two medical calls. After no further comments, the mayor moved on to the next item on the agenda, the Public Works report.

Town Superintendent Allen Benoit presented the Public Works report. Mr. Benoit stated that work to remove bumps on Pattie Drive is progressing and the work will be completed on the next school break. Town crews used broken concrete pieces and mountain rock to stabilize areas under the wharves on the river to stop erosion. After no further comments, the mayor moved on to the next item on the agenda, committee reports.

Councilwoman Penny Crappell stated that the tennis court resurfacing was completed by the contractor and town crews will re-install the nets and reopen the courts within the next two weeks. After no further comments, the mayor moved on to the next item on the agenda, new business.

Item # 1 on the agenda – Public Hearing – Application for conditional use permit for a 300' X 400' pond on Old Spanish Trail. After no comments from the audience or council, Mayor Ratcliff closed the public hearing.

Item #2 on the agenda Public Hearing for Ordinance No. 632 – Cleco Franchise Agreement. After no comments from the audience or council, Mayor Ratcliff closed the public hearing.

Item #3 on the agenda – Consider approval of conditional use permit for a 300’ X 400’ pond on Old Spanish Trail. Upon motion by Duval Arthur and seconded by Penny Crappell and a roll call vote, the approval was granted unanimously.

Item #4 on the agenda – Consider approval of Ordinance No. 632 – Cleco Franchise Agreement. Upon motion by Duval Arthur and seconded by Penny Crappell and a roll call vote, the ordinance was approved unanimously.

Item #5 on the agenda – Approve annual payment to Keep St. Mary Beautiful - \$4,954.74. Upon motion by Penny Crappell and seconded by Duval Arthur, the payment was approved unanimously.

Item #6 on the agenda – Berwick Housing Authority – Pilot Tax. Berwick Police Chief James Richard, Chairman of the Berwick Housing Authority Board, presented Mayor Ratcliff with a check for \$22,206.12.

Item #7 on the agenda – Consider Resolution No. 11-12 – Louisiana Recreational Trails. Upon motion by Penny Crappell and seconded by Damon Robison, the resolution was approved unanimously.

Item #8 on the agenda – Consider approval/acceptance/rejection/or re-bidding of bids for Renwick Phase V. Upon motion by Duval Arthur and seconded Troy Lombardo, the agenda was expanded to include the following: Consider and take action on the protest of Byron E. Talbot Contractor, Inc., to award of bid to La Contracting Enterprise, LLC and to consider and take action for re-advertisement of the Renwick Phase V project. Upon the advice of Town Attorney Allen McElroy, Mayor Pro-tem Duval Arthur made the following motion that was seconded by Troy Lombardo:

1. The protest of Byron E. Talbot Contractor, Inc. to “award of the Renwick Phase V project to La Contracting, LLC” is DENIED.
2. The lowest bidder on the project for both base bid and Add Alternate “A” is La Contracting, Enterprise, LLC with base bid of \$690,381.40 and Add Alternate “A” of \$456,476.12 as certified by April 3, 2012 letter of Miller Engineers & Associates. The Town of Berwick AWARDS BOTH THE BASE BID AMOUNT AND ADD ALTERNATE ”A” TO LA CONTRACTING ENTERPRISE, LLC IN THE ABOVE AMOUNTS properly bid. In the event of any lawsuit being filed contesting this award then this award to LA Contracting Enterprise, LLC as the lowest bidder is expressly conditioned upon the courts of law upholding this award to LA Contracting, LLC as the lowest valid bidder and not finding and ruling that the lowest bidder on the project is Byron E. Talbot Contractor, Inc. Rulings by any court of law to not uphold the awards to LA Contracting Enterprise, LLC shall expressly be a rejection of all bids as provided in subpart 3 below.
3. The Town of Berwick expressly finds that the lowest valid bidder is LA Contracting Enterprise, LLC. However, in the event that any court of law finds that the bid of LA Contracting Enterprise, LLC is not the lowest valid bidder and rules that the lowest bidder on the project is Byron E. Talbot Contractor, Inc. then in such event the Town of Berwick finds that there is just cause to reject all bids and does REJECT ALL BIDS AND RE-ADVERTISE AND RE-BID THE PROJECT. Amongst other things, the just cause is declared to be confusion and misunderstanding cause by suggestions of Miller Engineers & Associates Inc. in letter of March 22, 2012. The Town of Berwick expressly finds that the letter of March 22, 2012 was not a written ADDENDA AND INTERPRATIONS requirements of the Specifications and Contract Documents (see pages 4-5) were not followed by the engineer. The Town of Berwick finds that to reject the bid of LA Contracting Enterprise, LLC would be unfair and not follow the spirit of public bid laws and would create an unjust situation and unnecessary added costs to the citizens of Berwick based upon confusion caused by the Town engineer in making non-binding suggestions in the letter of March 22, 2012. The Town of Berwick further finds just cause since the matters protested by Byron E. Talbot Contractors, Inc., if found to be correct application of bid laws, did not result in added costs to either the base bid or the Add Alternate “A” of LA Contracting Enterprise, LLC.

4. It is the express stated intent of this motion to award base bid and the Add Alternate "A" to LA Contracting Enterprise, LLC and in event this not legally authorized then to reject all bids and to re-advertise and re-bid the project. This Motion and all sub-parts shall be liberally interpreted to accomplish this stated event.
5. Written contract awarding the bids to LA Contracting Enterprise, LLC shall be executed on or before Friday, April 27, 2012.

After a roll call vote, the motion was approved unanimously.

Item #9 on the agenda – Proclamation No. 03-12 – Fair Housing Month. After the proclamation was read by Town Clerk Newell Slaughter, Duval Arthur made a motion to approve the proclamation. Penny Crappell seconded the motion. The proclamation was approved unanimously.

Item #10 on the agenda – Consider Introduction of Ordinance No. 633 – Refinance Renwick Boulevard Extension bonds. Upon motion by Damon Robison and seconded by Troy Lombardo, the ordinance was introduced unanimously.

Item #11 on the agenda – Resolution No 12-12 – Capital Outlay, Sewer Reconstruction. Upon motion by Penny Crappell and seconded by Troy Lombardo, the resolution was approved unanimously.

Mayor Ratcliff explained the gift of a framed American Flag that was flown over Afghanistan by the Mississippi Air National Guard. The local American Legion participated in a program to send cookies to troops at Christmas and was given the flag as a token of their support.

There being no further business to come before the Council, upon motion by Duval Arthur and seconded by Damon Robison, the meeting adjourned.

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Louis Ratcliff – Mayor

ATTEST:

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Newell W. Slaughter - CAO/Town Clerk