

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF COMMISSIONERS OF CONSOLIDATED GRAVITY DRAINAGE DISTRICT NO. 1 OF TANGIPAOHA PARISH, STATE OF LOUISIANA, HELD ON MONDAY, NOVEMBER 9, 2020, AT 4:00 P.M., AT THE TANGIPAOHA PARISH GOVERNMENTAL BUILDING, 206 EAST MULBERRY STREET, AMITE, LOUISIANA.

The Board of Commissioners of Consolidated Gravity Drainage District No. 1 of Tangipahoa Parish, State of Louisiana, met on the above date in a Public Hearing and was called to order by the President, Mr. Lionell Wells, with the following members present:

CARLO S. BRUNO, KIM COATES, BRIGETTE D. HYDE, JOHN G. INGRAFFIA, LOUIS “NICK” JOSEPH, JOEY MAYEAUX, H.G. “BUDDY” RIDGEL, DAVID VIAL, LIONELL WELLS

ABSENT: NONE

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Following Roll Call, the floor was opened to Public Comment on the David Feldman and Stephen Feldman matter on B.R. Kinchen Road. David Feldman nor Stephen Feldman were present.

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This Public Hearing is being conducted as part of the Administrative Procedures Act. It is believed that the Feldman’s property is obstructing a natural drain and causing flooding on the Pelitire property. Consolidated Gravity Drainage District No. 1 has the right to maintain, access and make all necessary repairs to all public drainage channels, outfall canals, and surrounding land located on property of David M. Feldman and Stephen J. Feldman.

Mr. Glen Galbraith, attorney for Consolidated Gravity Drainage District No. 1, stated that Mr. and Mrs. Henry Pelitire are present. Attorney Galbraith posed questions to Mr. Pelitire.

Mr. Pelitire states that he has had problems with drainage on his property for the last 32 years.

An ArcGIS Web Map showing Assessment #3975118 as the Pelitire property and Assessment #3974901 as the Feldman property was introduced as “Exhibit 1” and made a part of the record.

Mr. Pelitire states that this has been to court in 1993, Henry Peletire vs. J.B. Feldman, No. 9301279-B, in the 21st Judicial District Court, Parish of Tangipahoa, State of Louisiana. Attached as “Exhibit 2” is the Written Reasons signed by Judge Bruce C. Bennett, Division “B”, on August 3, 1993. Judge Bennett concluded that Mr. Feldman had blocked a natural servitude of drain and issued a ruling enjoining him from any further disruption in the natural flow from the properties of Mr. Peletire.

Attached as “Exhibit 3” is the Judgment in favor of Henry Peletire and against J.B. Feldman directing J.B. Feldman to return the property to its natural and previous condition; in that regard IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant J.B. Feldman remove the roadway and levees that have been constructed across his properties, and that he drain and remove the pond which has been constructed on his property and return the property to its natural states. This Judgment was signed by Judge Bruce C. Bennett, Division “B” on August 3, 1993.

After Court and this Judgment was rendered, CGDD#1 assisted Mr. Pelitire by setting a larger culvert and dug a ditch around the pond on the Feldman’s property. Labeled as “Exhibit 4” is a photograph after the work had been completed by CGDD#1. At this time, Mr. Wallace Adams supervised the work of CGDD#1. Councilman Buddy Ridgel concurred that this work had been done.

“Exhibit 5” is a photograph taken before any work was performed by CGDD#1.

Introduced as “Exhibit 6” is a photograph of the same area as it stands today. The work that was completed in 1993 is no longer working to control flooding. The natural drain is obstructed again and vegetation has grown up, the road is eroding and a tarp has been placed in the area.

The Board was asked if they had any questions for Mr. Pelitire. Mr. Bruno vouched that on big rains, Mr. Pelitire gets water backing up to his back porch. He states that the complete ditch needs rehabilitation.

Attorney Glen Galbraith questioned Kiley F. Bates, Administrator of CGDD#1. Attorney Galbraith showed Mr. Bates a topographic map of this property. This map is labeled “Exhibit 7”. Mr. Galbraith further questioned Mr. Bates as to what needs to be done. Mr. Bates stated that CGDD#1 has to have access to the Feldman property to assess the problem and deem what is necessary to correct and maintain. Numerous door hangers have been left to attempt to get in touch with the Feldmans to get their permission to assess their property, but CGDD#1 has been unsuccessful in reaching the Feldmans.

Attached as “Exhibit 8” is a letter and Notice of Hearing sent to David M. Feldman on October 22, 2020 via FedEx, Certified Mail (Return Receipt Requested), and Regular U.S. Mail. The letter states that complaints have been received that the natural flow of drainage across your land is being obstructed and is affecting nearby properties and that CGDD#1 would like to access your property. It states that a public hearing will be held on November 9, 2020 at 4 p.m. at the Tangipahoa Parish Council Chambers in Amite, LA. and work will begin on November 30, 2020.

“Exhibit 9” is Certified Mail receipt to Mr. David M. Feldman and the FedEx receipt. He did not accept the certified mail. The letter through FedEx was delivered.

“Exhibit 10” is the same letter and Notice of Hearing to Stephen J. Feldman. “Exhibit “11” is Certified Mail receipt to Mr. Stephen J. Feldman and the FedEx receipt. He did not accept the certified mail. The letter through FedEx was delivered.

The letter and Notice of Hearing to both David M. Feldman and Stephen J. Feldman sent by Regular U.S. Mail did not get returned back to the Post Office.

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After hearing all the evidence, a motion was made by Mr. Bruno and seconded by Mr. Ridgel to follow the recommendation of the CGDD#1 attorney and to take all actions to proceed with the Feldman matter as outlined in the Notice of Hearing. Consolidated Gravity Drainage District No. 1 has the right to maintain, access and make all necessary repairs to all public drainage channels, outfall canals, and surrounding land located on property owned by David M. Feldman and Stephen J. Feldman. Roll call vote was as follows:

YEAS: 9 (Bruno, Coates, Hyde, Ingraffia, Joseph, Meyeaux, Ridgel, Vial, Wells)

NAYS: None

NOT VOTING: None

ABSENT: None

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The Public Hearing was adjourned and moved directly into the Regular Meeting.

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Stanan Capdeboscq
Secretary-Treasurer
Consolidated Gravity Drainage
District No. 1
Tangipahoa Parish

Lionell Wells
President
Consolidated Gravity Drainage
District No. 1
Tangipahoa Parish