

PETITION TO ADDRESS THE COUNCIL

St. Charles Parish Council Chairman
P. O. Box 302
Hahnville, LA 70057
(985) 783-5000

Today's Date:

6-24-19

Dear Chairman:

Please place my name to address the Council on:

DATE:

~~JUNE 24, 2019~~ JULY 1, 2019

SPECIFIC TOPIC:

RISK MANAGEMENT VS. POWERS OF GOVERNING AUTHORITY - WHO IS GOVERNING SCP?

(*See specific guidelines on the reverse side and refer to Parish Charter Article VII Sec. I)

LSA T33:1236(13)

DOCUMENTS, IF ANY: YES / NO

DOCUMENTS MUST BE ATTACHED AT THE TIME OF SUBMISSION

NAME:

VICTOR

COMPANY / ORGANIZATION:

MAILING ADDRESS:

105 BURGUIERES LANE, DESTREHAN

PHONE:

504-810-1717

EMAIL ADDRESS:

VLBAKAL@55@GMAIL.COM

SIGNATURE:

Victor & Buccola

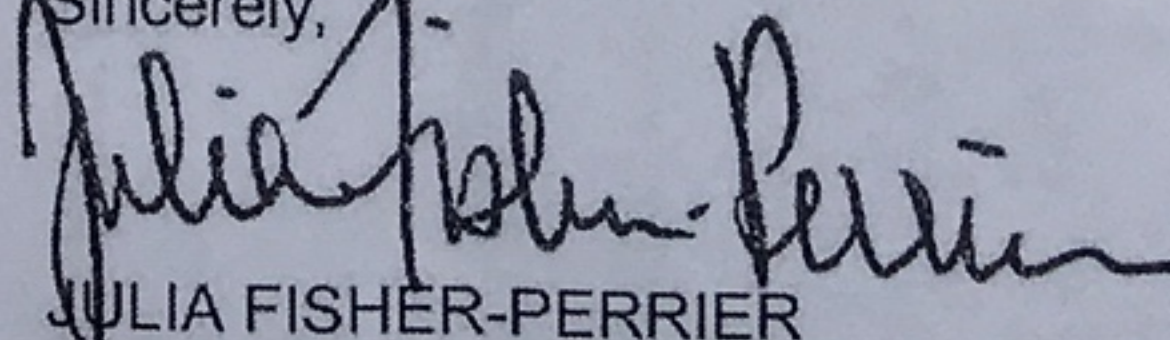
Dear Constituent:

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

- The Home Rule Charter provides for citizens to address the Council. **All requests and pertinent information must be received in writing by the Council Secretary at least one (1) week prior to the scheduled meeting; request may be hand-delivered, mailed, emailed (scpcouncil@stcharlesgov.net), or faxed (985-783-2067) to be received by 4:00 pm. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials.** Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally; a complete list of contact information will be furnished at your request.
- Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council. Please reference the Council guidelines for time limit specifications.
- Please forward supporting documents to the Council Secretary for distribution to the Parish Council at the time your form is submitted in order for the Council to prepare themselves, if necessary.
- Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.
- **Slanderous remarks and comments will not be tolerated.** If slanderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.
- **Repetitious comments and subject matter will be strictly limited.**

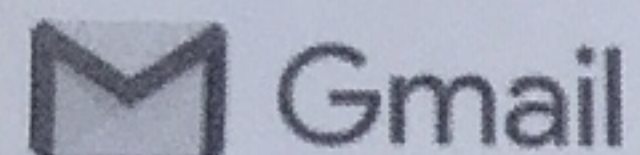
A confirmation letter will follow when your name is placed on the agenda.

Sincerely,



JULIA FISHER-PERRIER
COUNCIL CHAIRMAN

(OVER)



Victor Buccola <vlbakala55@gmail.com>

tree removal request

2 messages

Rechell Champagne <rchampagne@stcharlesgov.net>
To: "vlbakala55@gmail.com" <vlbakala55@gmail.com>
Cc: Larry Cochran <lcochran@stcharlesgov.net>

Wed, Jun 19, 2019 at 10:24 AM

Mr. Buccola,

As a follow up to our conversation on January 17, 2019 when you met me inside of the St. Charles Parish Courthouse; The 2 trees that you are requesting to be removed are owned by abutting property owners, Mr. & Mrs. Frank Abbate at 173 Longview Drive and are within the St. Charles Parish 20 foot drainage servitude. The purpose of the servitude is for drainage only. There is no evidence that the 2 trees impede the drainage flow. If the drainage conditions change, please feel free to contact us immediately to address drainage concerns. If you have concerns of any hazards that are not pertaining to the drainage within the servitude in this location, it would be a civil matter between property owners.

We are sorry that we cannot inform you more favorably on your request but hope that you can understand our position.

Thank you,

Rechell C. Champagne

Rechell C. Champagne, COSS, CWCP, COSM

Risk Management Officer

St. Charles Parish

P.O. Box 302

Hahnville, LA 70057

(P) 985-783-1610

(F) 985-783-1693

rchampagne@stcharlesgov.net

Victor Buccola <vlbakala55@gmail.com>

To: Rechell Champagne <rchampagne@stcharlesgov.net>

Cc: Larry Cochran <lcochran@stcharlesgov.net>, Veronica Buccola <vlbuccola2@gmail.com>

Sun, Jun 23, 2019 at 11:24 PM

Good Day Ms. Champagne:

This is to acknowledge your June 19, 2019 email reply in response to our email memo dated 12/4/18 to St. Charles Parish government regarding our request to have two problematic trees removed from within a publicly recorded dedicated drainage servitude that is directly behind our property. Your email is the first and only written response I and/or Veronica have received from St. Charles Parish government in this matter. Thank you.

The civil law remedy you have suggested unnecessarily pits private landowners against each other, when in fact, the Parish of St. Charles is the responsible party given the fact these two trees are completely within a publicly recorded dedicated drainage servitude.

I could not agree with you more - the purpose of the servitude is for drainage only - it is not for growing trees in, especially trees that cause or will require maintenance issues for the Department of Public Works and are at a greater than usual risk of causing property damage and/or personal injury. I completely understand the explanation you have offered, however I do not comprehend the "logic" offered because the Parish of St. Charles is responsible for objects within its servitudes, objects that have a greater chance of putting the parish at risk of being liable for any mishaps attributable to those objects. My understanding of the role of Risk Management office is to mitigate the potential liability risks for which St. Charles Parish government could be exposed to in light of both known and potential exposures. If it really was Risk Management's responsibility to make this determination in this particular situation, we feel Risk Management would have failed us and all of the taxpayers of St. Charles Parish.

Last Monday evening, on 6/17/19, I had the opportunity to speak with President Cochran. He mentioned that he thought correspondence from the parish had been sent to us earlier this year, correspondence that presumably included, but may not be limited to document(s) from a licensed arborist who had advised the parish in this regard. He asked me if I had received any correspondence at all and I replied that I had not. I would like to please have copies of any and all documents and/or correspondence and notes, including but not limited to letters, memos and emails that were received by or sent to you and/or the parish administration since 12/4/18 (and before 6/19/19) relative to this matter. If necessary, please consider this a FOIA request. If no such documents exist, or there are no such documents available or found, please respond indicating which one of these it is.

I hope and expect to receive from you and/or the administration a timely response to this additional information request I have made today in this email. We, too, are sorry that the parish cannot inform us more favorably on our request.

Thank you

Victor L. Buccola

105 Burguières Ln

Destrehan, La 70047

cell 504-810-1717

email: vlbakala55@gmail.com

(old email, please no longer use vbuccola@cox.net)

[Quoted text hidden]

November 28, 2018

Buccola Residence
107 Burguieres Lane
Destrehan, LA. 70047

Hello, Mr. Victor;

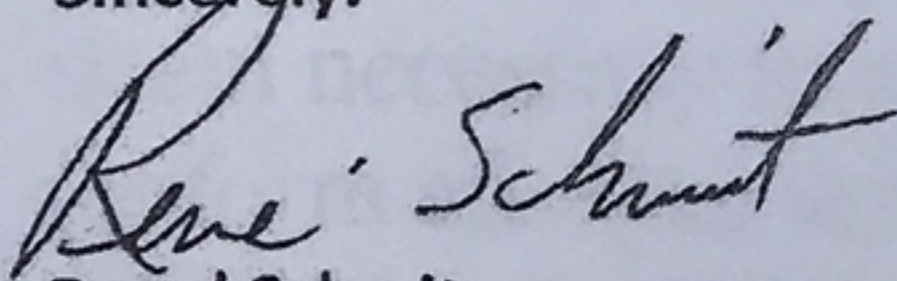
This letter is in follow-up to your request for an inspection of the live oak and sweetgum trees located on the drainage servitude on western side of 107 Burguieres Lane in Destrehan.

I conducted the inspection on Tuesday November, 27th and determined that the live oak tree, although exhibiting no insect or disease problems, to be a **significant safety hazard** due to its angle of weighted lean to the eastern side. This lean is greater than a 45 degree pitch and will remain on-going. A primary contribution to this tree being a safety problem is that a majority of the primary and heaviest weighted limbs are located on one side of the tree - the eastern side - thus contributing to the forced lean. Unfortunately there is no advantage to removing the weighted limbs as that would result in not enough canopy left to support the tree's ability to function normally. It is my recommendation that strong consideration be given to removing this tree as it will only become less stable as the increase of pitch continues. (Keep in mind that as this tree continues to grow so will the limbs increase in their weight as will the direction of the tree in a downward motion).

In regards to the sweetgum tree, there were a few upper limbs that exhibited breakage and some decay. Certainly these limbs should be removed to reduce further breakage and decay. Overall, I found the sweetgum tree to be in relatively good health.

Let me know should you have any questions or need for any additional information. Thank you.

Sincerely,



Rene' Schmit
County Agent
St. Charles Parish

Louisiana Revised Statutes Title 33, § 1236.

Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

(13) To construct and **maintain drainage, drainage ditches, and drainage canals**; to open any and all drains which they may deem necessary **and to do and perform all work in connection therewith**; to cut and open new drains, ditches and canals, to acquire lands for necessary public purposes, including rights of way, canals and ditches by expropriation, purchase, prescription or by donation; to enter into contracts for the construction of such drainage works, and to purchase machinery and have the work performed under their own supervision; **to allocate, use and expend the general alimony of the parish for any of the above purposes**; to incur debt and issue bonds for drainage and drainage canals in the manner provided for by Subtitle II of Title 39; and use such other funds as may be legally expended for such purposes; to levy taxes for the maintenance of said drainage works in the manner provided for and under the authority of Article X, Section 10 of the Constitution of Louisiana, as amended, and to construct any works and do any and all things necessary to effect proper drainage and carry this Paragraph into effect; to enter into contracts or agreements, under such terms and conditions as may be mutually agreeable with the State of Louisiana, through the Department of Public Works for the securing of State aid for the purposes herein authorized; to cooperate and participate in any State or Federal aid program which may now exist or which may hereafter come into effect under any State or Federal law. Police juries shall open all natural drains which they deem necessary in their respective parishes and shall perform all work connected therewith, which they may deem necessary to make the opening of natural drains effective. They may perform all other acts necessary to fully drain all the land in their respective parishes and maintain such drainage when established. This Paragraph is intended to furnish additional means whereby parishes in the State of Louisiana may accomplish the objects and purposes herein referred to, and shall be liberally interpreted.