

CARLOW COUNTY COUNCIL

**Minutes of the May Monthly Meeting of Carlow County Council,
held in The Council Chamber, County Offices, Athy Road,
Carlow, on Monday, 10th May 2010 at 2.00 p.m**

Present: Councillor M. Doran, Cathaoirleach

Councillor M. Abbey,
Councillor A. Ahern (Nee Long),
Councillor F. Browne
Councillor P. Deering,
Councillor W. Fennell,
Councillor D. Foley
Councillor D. Hurley,
Councillor T. Kinsella,
Councillor W. Lacey,
Councillor A. McDonald,
Councillor J. Murnane-O'Connor,
Councillor C. Murphy,
Councillor J. Murphy,
Councillor T. O'Neill,
Councillor P. O'Toole,
Councillor W. Paton,
Councillor J. Pender,
Councillor W. Quinn.
Councillor C. Townsend,
Councillor J. Townsend,

In attendance: Mr. T. Barry, County Manager
Mr. J. Carley, Director of Service - Environment, Water
Services & Health and Safety.
Mr. D. McInerney, Director of Service - Housing,
Transportation & Emergency Services.
Ms. B. O'Brien, Director of Service - Community and
Enterprise, Economic Development & Corporate Services.

Mr. S. O'Connor, Director of Services - Planning,
Recreation & Amenity & Special Projects.

Mr. M. Brennan, Senior Executive Officer, Corporate
Services.

Mr. T. Butler, Senior Executive Officer, Housing.

OPENING PRAYER

The opening prayer was recited by the Members.

VOTES OF SYMPATHY

The Members expressed votes of sympathy to:-

- Councillor T. Kinsella on the death of his father Paddy Kinsella, Borris
- Councillor T. O'Neill on the death of his mother Ita O'Neill, J.K.L. Ave, Carlow
- Jim Wynne, Assistant Town Foreman on the death of his father George Wynne, Staunton Ave., Graiguecullen
- Michelle (Water Services) and Emer Connors (Planning) on the death of their father Michael Connors, Rathvilly
- Nessa Childers MEP for Ireland East on the death of her mother Rita Childers, Clonskeagh, Dublin
- Conal O'Boyle, Editor, The Nationalist on the death of his mother Veronica O'Boyle, Wexford
- McGuire Family Bagenalstown on the death of their mother Frances McGuire, Railway House, Bagenalstown.

VOTES OF CONGRATULATIONS

- Carlow Town Council staff in relation to the upkeep of Roundabouts in Carlow Town
- Carlow Car Club for the Carlow Stages Rally
- Carlow Camogie Team on winning the All Ireland U/16C Championship

CONFIRMATION OF MINUTES

- (a) **Proposed by Councillor F. Browne**
Seconded by Councillor W. Quinn
AND RESOLVED:

“That the Minutes of April Monthly Meeting of Carlow County Council, held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday, 12th April 2010 at 2.00p.m. having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

CIRCULARS

There were no circulars.

M. Brennan advised of correspondence addressed to the Cathaoirleach from Pauline Crowley, ‘People of the Year Awards’ seeking nominations for the 2010 People of the Year Awards.

3. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL

**(a) Proposed by Councillor M. Abbey
Seconded by Councillor T. O Neill**

Following a showing of hands it was resolved:-

“That we, The Members of Carlow County Council hereby approve in accordance with Local Government Act 2001 Section 183, Planning & Development Act, 2000 Section 211 the disposal of Rented Equity (a shared ownership house) in dwelling situated at 6, John Sweeney Park, Tullow Road, Carlow, to Joy Cush Kelly, 6, John Sweeney Park, Tullow Road, Carlow, in the sum of €39,206.19 in accordance with the terms of the statutory notice already circulated.”

**(b) Proposed by Councillor J. Pender
Seconded by Councillor P. Deering**

Following a showing of hands it was resolved:-

“That we, the Members of Carlow County Council hereby approve in accordance with Local Government Act 2001 Section 183, Planning & Development Act, 2000 Section 211 the disposal of dwelling situated at 21, DeLacey Abbey, Rathvilly, Co. Carlow, (Affordable Housing Scheme) to Daniel Pender, 9 Allen Dale, Baltinglass, Co. Wicklow, in the sum of €125,000.00 in accordance with the terms of the statutory notice already circulated.”

**(c) Proposed by Councillor J. Pender
Seconded by Councillor W.Paton**

Following a showing of hands it was resolved:-

“That we, the Members of Carlow County Council hereby approve in accordance with Local Government Act 2001 Section 183, Planning & Development Act, 2000 Section 211 the 5 year lease of 17 unsold affordable units to Clúid Housing Association, 37 Killarney Street, Dublin 1, in accordance with the terms of the statutory notice already circulate.”

Members raised the following queries

- Consultation with area members prior to allocation of dwellings
- Leasing arrangements
- Funding for repairs to houses
- Purchase option

Mr. T. Butler replied in detail to queries raised.

**(d) Proposed by Councillor A. McDonald
Seconded by Councillor D. Foley**

Following a showing of hands it was resolved:-

“That we, the Members of Carlow County Council hereby approve in accordance with Local Government Act 2001 Section 183, Planning & Development Act, 2000 Section 211 the disposal of 1.393 Ha on the Muinebheag Business Park at Kilree Muinebheag (Site No. 10) to Autolaunch Ltd., Bagenalstown Industrial Estate, Royal Oak Road, Bagenalstown, Co. Carlow in the sum of €285,603 in accordance with the terms of the statutory notice already circulated.

**(g) Taking in Charge of Chapelstowngate Housing Estate,
Tullow Road Carlow**

Members had report from Mr. D. McInerney, Director of Services on the proposed taking in charge of Chapelstowngate Housing Estate, Tullow Road, Carlow.

Members’ approval was sought to the commencement of the public consultation process from Friday, 14th May, 2010.

**Proposed by Councillor M. Abbey
Seconded by Councillor T. O Neill**

Following a showing of hands it was resolved:-

“That we, the Members of Carlow County Council hereby approve the commencement of the public consultation process for the taking in charge of Chapelstowngate Housing Estate, Tullow Road, Carlow in accordance with the Roads Act 1993 (Section 11), Planning and Development Act 2000 (Section 180).”

(h) South East Homeless Action Plan May 2010-2013

Members welcomed report from the Director of Services on the South East Homeless Action Plan May 2010 - May 2013.

Members were advised of the establishment of a Joint Homelessness Forum and Management Group for the South East with Waterford City as the lead authority. The core objective of the Plan is to adopt a regional approach to the management of the homelessness services. Individual local authorities will be responsible for implementing homeless policy at a local level. Carlow Homeless Action Team co-ordinates the provision of homelessness services within the county. A Homelessness and Tenancy Sustainment Officer has recently been appointed in partnership with St. Vincent de Paul.

Members' approval was sought to the adoption of the South East Homeless Action Plan May 2010 – May 2013.

Proposed by Councillor W. Quinn

Seconded by Councillor A. Ahern nee Long

Following a showing of hands it was resolved:-

“That we, the Members of Carlow County Council hereby approve the adoption of the South East Homeless Action Plan May 2010 – 2013 in accordance with Section 40(3) of the Housing (Miscellaneous Provisions) Act 2009.”

Queries raised by Members were answered by Mr. T. Butler, Senior Executive Officer, Housing.

6. HOUSING, TRANSPORTATION & EMERGENCY SERVICES

(a) Speed Limit Review

Members were informed by the Director of Services, Mr. D. McInerney of the proposed Speed Limit Review 2010. Mr. McInerney advised that as part of the consultation process it is proposed to bring draft proposals to the electoral area committees and the Transportation SPC during the summer months. The revised Speed Limit Schedule will be brought before full Council in the Autumn.

Members raised the following issues:-

- Decision making authority in relation to speed limits
- Enforcement of speed limits
- Speed limits in Housing Estates

- Criteria with regard to review process
- Footpath Ballyellen to Goresbridge

Queries raised by Members were answered by Mr. McInerney.

9. Fógraí Rúin/Notices of Motion.

Standing in the name of Cllrs. Arthur McDonald & Jennifer Murnane O'Connor

Proposed by Councillor A. McDonald

Seconded by Councillor J. Murnane O Connor

“That Carlow County Council review the criteria for assessing single peoples eligibility for local authority housing.”

Mr D McInerney circulated correspondence in relation to the motion.

Members raised the following issues:-

- Construction of one bed dwellings
- Relocation of Housing Dept to Carlow Town
- Review of Scheme of letting priorities

The County Manager advised that a review of housing services is being carried out in respect of Carlow County Council and Carlow Town Council and that the review will consider all options in terms of the most strategic way forward. The review will be completed within the next six months.

Queries raised were answered by Mr. D. McInerney.

3(e) Annual Financial Statement 2009

The Members noted a report dated 31st March 2010 on the Annual Financial Statement of Accounts for year ended 31st December 2009 and noted that the accounts will be forwarded to the Department of Environment, Heritage and Local Government for audit purposes. The Audit Report will be submitted to Council for consideration when it becomes available.

Proposed by Councillor A. McDonald

Seconded by Councillor M. Abbey

Following a showing of hands it was resolved:-

“That we, the members of Carlow County Council, approve expenditure in excess of the 2009 Budget per the schedule below

and note that the expenditure was funded by additional income or savings in other Service Divisions.”

| | SERVICE | BUDGET V OUTTURN | DETAILS |
|-----|---|---------------------|-------------------------------------|
| A03 | HOUSING RENT AND TENANT PURCHASE ADMINISTRATION | 39,597.90 | <i>Provision for Doubtful Debts</i> |
| A07 | RAS PROGRAMME | 426,010.30 | <i>Additional Grants</i> |
| A11 | AGENCY & RECOUPABLE SERVICES | 8,058.15 | <i>Additional Income</i> |
| B01 | NP ROAD - MAINTENANCE AND IMPROVEMENT | 76,309.76 | <i>Additional Grants</i> |
| B02 | NS ROAD - MAINTENANCE AND IMPROVEMENT | 18,222.20 | <i>Additional Grants</i> |
| B05 | PUBLIC LIGHTING | 15,167.41 | <i>Additional Expenditure</i> |
| C03 | COLLECTION OF WATER AND WASTE WATER CHARGES | 335,690.49 | <i>Provision for Doubtful Debts</i> |
| C04 | PUBLIC CONVENIENCES | 423.64 | <i>Additional Expenditure</i> |
| D03 | ENFORCEMENT | 7,223.13 | <i>Additional Expenditure</i> |
| D05 | TOURISM DEVELOPMENT AND PROMOTION | 43,604.30 | <i>Provision for Write Off</i> |
| D07 | TAKING IN CHARGE HOUSING ESTATES | 475.41 | <i>Additional Expenditure</i> |
| E08 | WASTE MANAGEMENT PLANNING | 3,421.87 | <i>Additional Expenditure</i> |
| E09 | MAINTENANCE OF BURIAL GROUNDS | 1,464.13 | <i>Additional Expenditure</i> |
| F04 | COMMUNITY SPORT AND RECREATIONAL DEVELOPMENT | 15,174.05 | <i>Additional Income</i> |
| G05 | EDUCATIONAL SUPPORT SERVICES | 1,151,566.94 | <i>Additional Income</i> |
| H03 | ADMINSTRATION OF RATES | 924,886.69 | <i>Provision for Doubtful Debts</i> |
| H05 | OPERATION OF MORGUE AND CORONER EXPENSES | 8,363.70 | <i>Additional Expenditure</i> |
| H07 | OPERATION OF MARKETS AND CASUAL TRADING | 1,681.14 | <i>Additional Expenditure</i> |
| H11 | AGENCY & RECOUPABLE SERVICES | 391,152.73 | <i>Additional Income</i> |

Queries raised by Members were answered by Mr. Delaney.

3(f) Audit Report 2008

Members discussed the Statutory Audit Report on 2008 Accounts which was circulated to Members on 12th April, 2010.

The County Manager advised in respect of the report regarding Specific Matters, Planning Issues and Corporate Governance, which he outlined in detail. He indicated that the report summarized the Terms of Settlement for four High Court cases in respect of the Carlow Eastern Relief Road, Plas na Saoirse and Pembroke. He added that the financial implications of the settlement would have an adverse effect on the cash flow of the Council in the short term. With regard to the issue of Corporate Governance in the Planning area he indicated that he had given a commitment to immediately commence a review. He advised that Mr. John Quinlivan, former Louth County Manager,

had been engaged to independently review and report on Corporate Governance issues. When the review is completed a report will be circulated to Members for their information.

Elected Members and members of the public are welcome to make submissions to the review process in writing if they so wish. Members will also be furnished with the terms of reference of the review. He also indicated that sanction is being sought from the Department to fill the position of Internal Auditor in a permanent capacity.

Queries raised by Members were answered in detail by the County Manager.

4. ENVIRONMENT, WATER SERVICES & HEALTH & SAFETY

(a) Allocation of Funding under the Water Services Investment Programme 2010 TO 2012

Members were informed in report dated 4th May 2010 from Mr. J. Carley, Director of Services of the Allocation of Capital Works to Carlow County Council under the Water Services Investment Plan 2010 to 2012.

The allocation is as follows:-

Contracts at Construction

| | |
|--------------------------------|------------|
| Water Conservation Stage 1 & 2 | €3,458,000 |
|--------------------------------|------------|

Contracts to Start 2010 to 2012

| | |
|---|-------------|
| Raheenleigh Water Treatment Plant upgrade | € 1,255,000 |
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|---------------------------|--------------|
| Carlow Town Main Drainage | € 20,782,000 |
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| Kernanstown Serviced Land Initiative | € 1,330,000 |
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| Advance Works at Rathvilly Waste Water Treatment Plant | € 600,000 |
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| Advance Works at Hacketstown Waste Water Treatment Plant | € 600,000 |
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|---|-------------|
| Rehabilitation of the Tullow Sewerage Network | € 3,000,000 |
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| Watermains Rehabilitation/Water Conservation | € 3,000,000 |
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Schemes at Planning Stage 2010 to 2012

Water Conservation Stage 3 Works

Members raised the following issues.

- Sewerage smell at Eastwood Housing Estate, Bagenalstown
- Flood Relief Scheme, Tullow
- Sewerage Ashfield Housing Estate
- Leighlinbridge Flood Defence/Drainage

Queries were answered by Mr. J. Carley, Director of Services.

(b) Rural Water Programme – Block Grant Allocations for 2010

Members had report from the Director of Services, Mr. J. Carley on the Rural Water Programme – Block Grant Allocations for 2010. Mr. Carley advised that the allocation for 2010 is €1,990,000, a reduction of €611,000 on the 2009 allocation.

| Category | 2010 Allocation |
|---|------------------------|
| DBO Projects | 1,410,000 |
| Interim Priority Works ECJ | 30,000 |
| Small Public Water and Sewerage Schemes | 412,500 |
| Funding for Specific Environmental Objectives | 37,500 |
| GWSS Takeover | 100,000 |
| GWS – New and Existing | 0 |
| Total | 1,990,000 |

Members raised the following issues:-

- Extension of Ballinabranna Group Water Scheme to Bilboa
- Water/Sewerage at Royal Oak and Harrow Cross.

Queries raised by Members were answered by Mr. Carley.

5 PLANNING, RECREATION & AMENITY & SPECIAL PROJECTS

(a) Planning Services Progress Report

Members welcomed progress report from Mr. S. O'Connor, Director of Services.

The report covered the following activities.

1. Forward Planning – County Development Plan, Town Development Plan, Provision for Infrastructure, Amenity and Community Services, Use of Information Technology, Financial Projection and Geographical Information Systems

2. Planning, Economic Development & Cultural Strategic Policy Committee –

Preparation and distribution of data prepared by the Committee to the Local Authority, co-ordination of Policy Documents, confirmation of response to various policy implementation, co-ordination of multi-sectoral aspects of the Committee.

Mr. O'Connor advised Members of submission made with respect to the Regional Planning Guidelines. Members discussed the contents of the submission.

3. Development Control - regulation of proposed development including planning applications for new development, proposals for retention, consideration of exempted developments and general planning queries.

4. Regulation – Unauthorised development, monitoring of conditions applied to approved development, taking in charge of development.

5. Conservation – Heritage, Protected Structures, Environmental Impact, Derelict Sites, Town/Village Renewal.

Members raised the following issues:-

- Proposed closure of two roads at Powerstown
- Enforcement in respect of unfinished housing estates
- Derelict sites
- Railings at Court House, Carlow
- Dezoning of lands
- Taking in Charge of Housing Estates

Queries raised by Members were answered by Mr. O'Connor.

(b) Conservation Grants for Protected Buildings 2010

Members noted list of persons approved for funding under the Conservation Grants for Protected Buildings Scheme 2010. The total funding approved by the Minister for Environment, Heritage and Local Government is €53,000.

Members raised the following issues:-

- Bishop Foley N.S. Grant application
- Removal of granite stones at the Towers, Duckett's Grove.

Queries raised were answered by Mr. O'Connor.

7. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES

(a) Agree date for Annual Meeting

Members unanimously agreed to the following Council Meeting dates.

1. June Ordinary Meeting - Monday 14th June at 2pm
2. Annual Meeting - Wednesday 30th June at 2pm
3. July Ordinary Meeting - Wednesday 30th June at 2.30pm

(b) Bike Week 2010

Members had report from Ms. B. O'Brien, Director of Services on Bike Week 2010 Grants. The County Carlow Sports Partnership is making grants on application of up to €500 available to community groups, schools, sports clubs and other organisations in County Carlow who would like to undertake cycling related activities during Bike Week 2010 (13th- 20th June).

The deadline for submission of application to the Sports Partnership is 12 noon, 12th May.

(c) Agriculture

Councillor W. Fennell raised the issue of carbon tax on diesel and its effect on the farming community.

(d) Health

Members raised issue in respect of the treatment of the Carers Association by the Health Service Executive.

(e) Tenders for opening, if any

Members noted tenders opened since the last Council meeting.

8. CORRESPONDENCE

Members had correspondence from Mary White T.D requesting an opportunity to address both the County Council and Town Council on the subject of her portfolio; equality, integration and human rights. Members agreed that Minister White would address the June Meeting of Council.

Members noted correspondence from Mr. Edmond Gleeson, Chairman of the County and City Managers' Association in relation to the impact of the provision of the Finance Bill 2010. With effect from July 2010, certain charges by local authorities and other public bodies will be subject to VAT, notwithstanding their public status.

Members noted correspondence from the Department of Environment, Heritage and Local Government in relation to Members' motion to change the basis on which commercial rates are calculated.

Members noted correspondence from the Department of Environment, Heritage and Local Government in relation to Members' motion in connection with Home Energy Saving Grant and Warmer Homes Grant Scheme.

Members noted correspondence from the Department of Communications, Energy and Natural Resources in relation to Members' motion in connection with Home Energy Saving Grant and Warmer Homes Grant Scheme.

Members noted correspondence from An Garda Síochána relating to Members vote of congratulations regarding foiling of bank raid at A.T.M, Bagenalstown.

Members supported resolution from Cobh Town Council

"That this Council supports that 'Justice for Robert Delaney Campaign' and the recently established website www.innocentvictimsofviolence.ie which was set up by the Delaney Family as a forum of support and information for the campaign and furthermore calls on any citizen with information on the

callous crime which resulted in Robert's hospitalisation to inform the Gardaí of any such information".

Members noted correspondence from the Ambassador of Poland to Ireland relating to Members expression of sympathy to the Polish Community on the tragic death of the President of Poland, Lech Kaczynski.

Members supported resolution from Donegal County Council
"Recognising that the recent decision to ban certain substances sold in "Head Shops" is welcome, Donegal County Council calls on the government to bring legislation to ban all "Head Shops" and the sale of all psychoactive drugs associated with them."

Members supported resolution from Limerick County Council
"That, Limerick County Council calls on the Minister for the Environment, Heritage and Local Government, John Gormley, TD, to defer the carbon tax which is due to come into effect on 1st May, 2010, until the economy improves."

Members supported resolution from Donegal County Council
"That the Council call on the Government not to introduce V.A.T. charges on Council services until January 1st, 2011."

10. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH

There was no further business.

This concluded the business of the meeting.