

CARLOW COUNTY COUNCIL

Minutes of the April Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 8th April 2019 at 2.00 p.m.

Present: Councillor B. O'Donoghue (Cathaoirleach)
Councillor F. Browne
Councillor J. Cassin
Councillor A. Dalton
Councillor J. Deane
Councillor M. Doran
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn

In attendance: Ms. K. Holohan, Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety,
Mr D. McInerney, Director of Services, Transportation, Environment & Water Services
Mr. M. Brennan, Acting Director of Services, Housing,
Mr. R. Wickham, Acting Senior Engineer, Transportation
Mr. K. Comerford, Head of LEO
Mr. B. O'Donovan, Acting Senior Engineer, Environment
Mr. E. Brophy, Senior Executive Officer, Corporate Services
Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Councillor Fergal Browne on the death of his father John Browne, Ballinacarrig, Carlow
- Pat Farrell, General Operative on the death of his mother Mary Farrell, 4 Avondale Drive, Carlow
- Clodagh Collins, School Warden on the death of her husband, Tommy McDonald, 51 New Oak Estate, Carlow
- The Family of the late Timothy O’Keeffe, Palatine, Carlow former General Operative with Carlow County Council.
- Kieran Cullinane, Senior Engineer on the death of his father, Frank Cullinane, Wexford Town.
- Darrell Hayden, Fire Fighter on the death of his grandmother Maura Kelly 9 Oaklawns, Dublin Road, Carlow and the Kelly Family on the death of Maura Kelly.
- Joe Watters, former Town Clerk on the death of his father Paddy Watters, Kildare Town.
- The Brealey Family, The Gate Lodge, Milford, Co. Carlow on the death of their father Joey Brealey.
- The Lillis Family, St Brigid’s Crescent, Bagenalstown, Co. Carlow on the death of Paddy Lillis
- John Pierce and Family, 54, Mount Leinster Park, Tullow Road, Carlow on the death of his wife Carmel.
- The Nolan Family on the death of their brother Joe Nolan, 22, Tinteán Coille, Palatine Road, Carlow.
- Kathleen Pender, Hillview Drive, Rathnapish, Carlow on the death of her husband Tony.
- Ray Williamson and Family, 20 Oak Park Drive, Carlow on the death of his wife Louise.
- Carmel Freeman and Family, 30 Avondale Drive, Carlow on the death of her husband Brendan.
- Teresa and Gay Griffin, The Square, Tullow, Co. Carlow on the death of their son James.
- Phil Dunne and Family, Clonegal, Carlow on the death of her husband Mickey.

- **VOTES OF CONGRATULATIONS**

- Willie Mullins, horse trainer, on winning his first Cheltenham Gold Cup.
- Carlow Fire and Rescue Services on competing in the Annual Rescue Organisation Ireland's (ROI) Extrication event in Sligo and on winning the best 'rapid' scenario, with second place position for the Medics, third place for Technical and obtained a second place overall. The Carlow team have qualified for the World Rescue event (WRO) 2019, which is to be held this year in La Rochelle, France in September 2019. The team consisted of :-
Incident commander: John Comerford, Carlow
Medics: Paul Curran and Dermot Scully, Carlow
Technical Team: Alan Owens, Carlow, Andy Fisher and Mike Kelly both Bagenalstown
Sub: Daniel Fitzpatrick, Tech/Medic Carlow
- John Comerford, Station Officer, Carlow on his special recognition by the ROI for his many years of service in the field of Rescue and extrication.
- St. Leo's College, Carlow on winning the Charlemagne Award and representing Ireland at the Charlemagne Youth Prize Award ceremony in May.
- All involved with the success of the St. Patrick Day parades throughout the county.
- Lorna Fitzpatrick, former Student Union President at Carlow IT on her election as President Elect of the Union of Students in Ireland.
- Carlow Senior Football Team on their endeavours during the 2019 Football league campaign.
- The Gardai and all involved with the Garda Schools Transition Year Roadshow.
- Marcus Lawlor on winning the 200m final at the Irish Universities Track and Field Championships.
- Tommy Payne from Tinryland athletic club and representing team Ireland on his success at the World Masters Championships in Torun, Poland winning a medal in the 3km indoor and 8km cross country championships.
- Hanover Harps on reaching the U/15 SFAI Skechers National Cup Final

- Slaney Rovers soccer team on winning Division 1 Championship 2019.

The Cathaoirleach requested suspension of standing orders to allow Members pay tribute to Ms. Bernie O'Brien, Director of Services on her retirement from the service of Carlow County Council. This was unanimously agreed by the Members following a show of hands.

Members paid warm tributes to Ms. O'Brien and thanked her for her excellent service over 42 years to Carlow County Council. Members said that Ms. O'Brien served the people of Carlow with distinction having worked her way up through various roles to becoming Director of Services. Members described Ms O'Brien as a person of integrity, commitment, diligence, reliability and sincerity and said that she would be a hard act to follow.

The Members wished Ms. O'Brien a long and happy retirement. The Chief Executive also paid tribute to Ms. O'Brien describing her as a dedicated public servant. The Chief Executive said Ms. O'Brien was highly regarded across the public service and was the best example of a quality public servant across the public sector. She thanked Ms. O'Brien for her assistance to her as Chief Executive. The Chief Executive, on her own behalf, and on behalf of the staff wished Ms. O'Brien and her family a long, happy and healthy retirement.

Ms O'Brien thanked the Members and the Chief Executive for their kind words and spoke of Carlow as being a progressive County. She spoke of the elected Members' support and commitment to delivering a quality public service to the people of County Carlow. She spoke of the vision and key strategic decision making shown by the elected members in bringing investment to the County and making Carlow a better place in which to live and work.

Ms. O'Brien thanked the Members for the friendship, support and co-operation they have shown her throughout her career.

1(a) CONFIRMATION OF MINUTES

Proposed by Councillor F. Browne

Seconded by Councillor J. Deane

Following a show of hands it was unanimously resolved:-

'That the Minutes of the March Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 11th March 2019 at 2.00 p.m. having been circulated

to each Member be taken as read, confirmed as to accuracy and accordingly signed.

Amendment to January Monthly Meeting of Carlow County Council held on 14th January, 2019.

3 (i) Taking in Charge of Castle Oaks, Old Dublin Road, Carlow

Members' approval was sought to amend item 3 (i) of the January Monthly Meeting of Carlow County Council to the correct proposal adopted by the Members.

Proposed by Councillor W. Paton
Seconded by Councillor W. Quinn

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council hereby approve that item 3 (i) of the January Monthly Meeting be amended to the correct proposal adopted by the Members as set out in report dated 2nd April 2019 from E. Brophy to read as follows:-

D. McInerney advised in his report dated 8th January 2019 that the above scheme has been surveyed for defects, and that the estate is deemed to be in a condition suitable for taking in charge.

D. McInerney sought Members' approval to the necessary advertisement to enable the taking in charge procedure to commence.

Proposed by Councillor F. Browne
Seconded by Councillor K. Murnane
AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the necessary advertisement to enable the taking-in-charge process commence of Castleoaks Housing Development, Pollerton Little, Carlow in accordance with Section 11 of the Roads Act, 1993; Section 180 of the Planning and Development Act, 2000 as amended; and Section 59 of the Planning and Development Act, 2010.

2. Circular Letter PL 02/2019: Provision of Security provided under the section 34(g) of the Planning and Development Act 2000 (as amended)

Members considered Circular Letter PL 02/2019 setting out procedures for planning authorities in relation to grants of planning permission from 1st April 2019 that include conditions relating to the giving of security for

the satisfactory completion of development to be connected to public water supply and /or wastewater collection systems. It will no longer be necessary to include conditions in a grant of planning permission requiring bonds and or cash securities in respect of water supply and waste water collection infrastructure that are to be vested in Irish Water. Councillor McDonald raised issue of unsatisfactory completion of works by Irish Water in Bagenalstown and the reinstatement of roads and footpaths by Irish Water.

Issues raised by the Members were addressed by D. McInerney.

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

(a) Approval of Draft Annual Report 2018

E. Brophy sought Members approval to the Draft Annual Report 2018 in relation to Carlow County Council.

Members were advised that observations/comments must be received by the 30th April, 2019 in order to proceed with the preparation of the Annual Report for 2018.

Proposed by Councillor F. Browne

Seconded by Councillor A. Dalton

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the Draft Annual Report 2018 in relation to Carlow County Council in accordance with Section 222 (1) of the Local Government Act, 2001.

(b) Disposal of Council's Rented Equity portion of Shared Ownership Loan -55 St. Killian's Crescent, Carlow

Proposed by Councillor J. Cassin

Seconded by Councillor F. Browne

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at 55, St. Killian's Crescent, Carlow to Promontoria (Oyster) DAC, Grant Thornton as Receivers of Andrew Neaves and Elaine Cleary, in consideration of the sum €1.00 in accordance with the terms of the statutory notice already circulated and in accordance with the Local Government Act, 2001, Section 183 (1), Planning & Development Act, 2000, Section 211. The consent of the Minister for

Housing, Planning and Local Government is not required for the said disposal.'

(c) Disposal of plot of ground at 32 St Austin's Terrace, Tullow, Co. Carlow.

Proposed by Councillor J. Pender

Seconded by Councillor W. Paton

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of plot of ground at 32, St. Austin's Terrace, Tullow, Co. Carlow (Title Rectification) to Mrs Margaret Mulhall, Tullow, Co. Carlow (LPR of Registered Owner, John Mulhall (Deceased), in consideration of the sum €1.00 in accordance with the terms of the statutory notice already circulated and in accordance with the Local Government Act, 2001, Section 183 (1), Planning & Development Act, 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not required for the said disposal.'

(d) Disposal of 0.128 Hectare at Royal Oak Road, Bagenalstown, Co. Carlow

Proposed by Councillor A. McDonald

Seconded by Councillor D. Foley

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council, approve the disposal of 0.128 Hectare at Royal Oak Road, Bagenalstown, Co. Carlow to Housing and Sustainable Communities Agency of 53 Mount Street Upper, Dublin 2 in consideration of the sum of €1.00 in accordance with the terms of the statutory notice already circulated and in accordance with the Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not required for the disposal.'

(e) Part 8 Borris Viaduct, Borris

M. Brennan, Acting Director of Services sought Members' approval to commence the Part 8 process in respect of redevelopment and upgrading of the Borris viaduct. The proposed development has been considered and discussed by the members of the Muinebheag Municipal District Council.

Proposed by Councillor W. Quinn

Seconded by Councillor D. Foley

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the commencement of the Part 8 process in respect of proposed development at Borris viaduct subject to receipt of Appropriate Assessment Screening Report and in accordance with Planning and Development Act 2000-2018, Planning and Development Regulations 2001-2018.

(f) Taking in Charge of Castleoaks, Pollerton Little, Carlow

D. McInerney advised in his report dated 1st April 2019 that no submissions were received in response to the public notice.

D. McInerney recommended that the Council formally resolve the taking in charge of Castleoaks, Pollerton Little, Co. Carlow.

Proposed by Councillor F. Browne

Seconded by Councillor A. Dalton

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the taking in charge of Castleoaks, Pollerton Little, Housing Development, Co. Carlow in accordance with Section 11 of the Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010’.

4. DEPARTMENTAL PROGRESS REPORTS

(a) Transportation Progress Report

D. McInerney presented the Transportation Progress Report for the period October 2018 to April 2019.

Issues raised by the Members included the following:-

- Electricity outages in parts of Carlow Town and environs and Members called on the ESB to resolve the issue. The issue of responsibility for cutting down trees that affect overhead power lines was raised and the zoning of areas that would make it easier to detect faults. It was suggested that emergency power failure lights be installed in homes. D. McInerney advised that the issue of power outages will be raised at a meeting scheduled to be held with the ESB in relation to future investment in Carlow.

- Funding for roads on the outskirts of Carlow town. D. McInerney advised of road works programme agreed for the respective Municipal Districts and of a 3-year multi-annual plan
- Update on stage 2 of rural bus link service.
- Three public lights out in Tullow Town Park
- Members acknowledged the work of Ray Wickham, Pat Harrington and Gerry Crowley in relation to LIS and CIS schemes.
- Safety at Pedestrian Crossings with particular mention of crossing at O'Brien Road, Carlow and at New Oak Centre, Carlow. Also the Pedestrian Crossing at school in Bagenalstown not being operational was raised.
- Royal Oak Road- timescale for Irish Water to complete reinstatement of road. Safety measures required at Royal Oak Road due to potential increase in traffic in the area.
- Electricity prices in Ireland one of the highest in the Euro Zone with increased PSO levies and tariffs. The issue to be raised with Electric Ireland.
- The necessity for improved safety measures to be put in place during current road works on the old Dublin Road.
- Slow progress of works at Tullow Footbridge.
- No funding approved for Carlow Town Bus Service.
- No broadband service available for a group of houses in the Kilcoltrim area of Borris, Co. Carlow.
- Members suggested the removal of sign at entrance to Braganza Housing Estate as it is now obsolete.
- Section of road off old Green Road to Clonmelsh Road where a number of houses are left derelict and the area is subject to illegal dumping and anti social behaviour.

All issues raised by the Members were addressed by D. McInerney.

(b) Environment Progress Report

Members had for consideration bi annual Environmental Progress Report from Brian O'Donovan, Acting Senior Engineer.

Issues raised by the Members included the following:-

- Compost bin required at St. Mary's cemetery as skip removed due to household waste being disposed of in the skip.

- The danger of 5G technology on human health.
- Members congratulated everyone involved with National Spring Clean 2019.
- The viability of a transfer station at Powerstown Landfill.
- Upgrading of Kernanstown civic amenity site to provide a wider range of facilities to meet the public's needs.
- Cutting down trees along the Barrow Way by Waterways Ireland. A letter is to issue to Waterways Ireland requesting a response to correspondence issued by the members in relation to works being carried out on the Barrow Track.
- Dog fouling and the need to follow through on dog fouling campaign and issue court proceedings for non compliance of By-laws. Extra dog fouling bin required at Deerpark Roundabout.
- Illegal dumping attracting anti social behaviour on back road to Bagenalstown from Hayes's Cross to Powerstown Cross.
- Bagenalstown Cemetery near capacity and requirement to acquire land to meet the needs.
- County Carlow students on their proactive approach with submissions in relation to climate change.
- It was suggested that the Council mark the 120th year of Local Government in Ireland.
- Telephony service poor in the Clonmore area of County Carlow.
- No caretaker to maintain Ballinkillen graveyard.
- Septic Tank Grants – B. O'Donovan advised that a new septic tank grant will be announced shortly.
- Lead Replacement Scheme – B. O'Donovan advised that lead replacement programme has potential grant assistance of up to 80% of the cost of works. To date two applications have been received in Bagenalstown and Hacketstown.

All issues raised by the Members were addressed by D. McInerney and B. O'Donovan.

(c) Water Services Progress Report

Members welcomed Water Services Progress Report to March 2019 from D. McInerney.

Issues raised by the Members included the following:-

- The need for the reinstatement of roads and footpaths in Bagenalstown by Irish Water as a matter of urgency.
- Communication issue with Irish Water and the process followed by Irish Water in dealing with issues that arise on the border of two counties.
- Update on Tullow waste water treatment plant.

Issues raised by the members were addressed by D. McInerney.

(d) Emergency Services Progress Report

Members welcomed Progress Report for the Building Control and Fire & Emergency Section to March 2019.

Members raised the issue of Bagenalstown Fire Station. Members urged that the Station be relocated on land owned by Carlow County Council and suggested that the existing building be used for community use or small enterprise.

D. McInerney advised that an application for the upgrade of the existing station was approved in favour of a new station. A subsequent site survey of the station has identified structural deficiencies within the building and foundations. D. McInerney advised of the possibility of a new station being considered. Prior to final submission to the Department for approval, the recommended course of action will be presented to the elected members.

D. McInerney congratulated Carlow Fire and Rescue Services on their success in the Annual Rescue Organisation Ireland's (ROI) Extrication event held in Sligo. D. McInerney also congratulated John Comerford, Station Officer, Carlow on his special recognition by the ROI for his many years of service in the field of Rescue and extrication. Firefighters Dermot Scully and Darrell Hayden was in attendance at the meeting.

Presentation County Carlow Community First Responder Committee

Councillor W. Paton, Chairman of County Carlow Community First Responder Committee welcomed trainers John Delaney, Nicola Brennan, Dermot Scully and Darrell Hayden to the chamber. Councillor Paton gave a brief presentation to the Elected Members on the work of County Carlow Community First Responder Groups.

Councillor Paton advised that the role of the First Responder is to assist people in the community suffering from stroke, chest pain, choking, or cardiac/respiratory arrest.

Members thanked Councillor Paton for his presentation.

Following the presentation the trainers presented Heart Saving Certificates to the elected members and staff who participated in the heart saving course.

Presentation SafeDrive

The Cathaoirleach welcomed Raymond Valentine founder of the new business called SafeDrive to the chamber.

Mr. Valentine gave a presentation to the Members on a new mobile application which gives people flexibility when doing their driving lessons. It allows students to view instructor profiles, track their progress, and work around their own schedule. With the app local instructors are connected with local students making it more cost efficient for the instructor and convenient for the student.

SafeDrive is to be tested in Carlow this year.

Members unanimously agreed following a show of hands that the remaining items on the April Agenda be carried over to the May meeting.

There was no further business to be transacted.

This concluded the business of the meeting