

**CARLOW COUNTY COUNCIL**

**Minutes of the February Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 9<sup>th</sup> February 2015 at 2.00 p.m.**

---

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

In attendance: Mr. D. McInerney, Acting Chief Executive  
 Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety  
 Mr. Liam Fitzgerald, Acting Director of Services  
 Transportation, Environment & Water Services  
 Mr. Gerard Guerin, Acting Director of Services, Community, Housing, Recreation & Amenity, Building Control & Emergency Services.  
 Mr. T. Butler, Senior Executive Officer, Housing  
 Mr. M. Brennan, Chief Officer, Community  
 Mr. K. Cullinane, Senior Executive Engineer  
 Ms. M. Moore, Administrative Officer  
 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**

- Monica Murphy, Branch Librarian on the death of her father Bernard Flynn
- The Family of the late Ursula Lane former pensioner and wife of the late John Lane, former County Development Officer.
- The Murphy Family on the death of Hannah Murphy, Rathgeran, Ballymurphy
- Lily Slye, Senior Executive Engineer and the Sly Family on the death of Jack Slye, Myshall
- Raymond Healy and family on the death of his father Brendan Healy, Mill Street, Tullow
- Nell O’Riordan & family Regent Street, Bagenalstown on the death of her husband John O’ Riordan
- Jimmy & Kathleen Dunne ‘Monure’ Killeshin Road, Carlow on the death of their son Mark Anthony.
- Lillian Flynn and family on the death of her husband John Flynn, Ryland Grove, Kilmeaney.
- Paddy Farrell and family on the death of his son Paul Farrell, 5 Idrone Park, Tullow Road
- John Kenneally and family on the death of his mother Teresa Kenneally, Blackbog Road, Carlow
- Jean Byrne and family on the death of her husband Eamonn Byrne, Coolnashegan, Myshall
- The Daly family on the death of Martin Daly, Corries, Bagenalstown
- The Barry Family on the death of Denise Barry, 1 Sherwood, Pollerton
- Stephen & Ann Cahill and family on the death of their son Stephen Cahill, 8 Dereen Heights
- The Fitzpatrick Family on the death of Terry Fitzpatrick, 111 Riverview Close, Tullow Road
- The Coughlan Family on the death of John Coughlan, The Bungalow, Blackbog Road, Ballycarney

- David Byrne & Family on the death of Edward Byrne, Tinypark, Tinryland
- The Hennessy family on the death of Mikey Hennessy, St. Killians Crescent
- Teresa Sheeran and family on the death of her husband Declan Sheeran, The Cloisters, Carlow

## **CONFIRMATION OF MINUTES**

**Proposed by Councillor T. Kinsella**

**Seconded by Councillor W. Paton**

**AND**

Following a showing of hands it was unanimously resolved:-

“That the Minutes of the January Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on 12<sup>th</sup> January 2015, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

Councillor Deane wished to clarify that his remarks made at the January meeting of Council in relation to energy charges were interpreted incorrectly. He was referring to energy suppliers and not companies.

E. Brophy raised issue in relation to naming of relief road connecting Greenbank Road and Barrow Track as discussed at the January meeting of Council.

It was

Proposed by Councillor F. Browne

Seconded by Councillor J. Murnane-O'Connor

And

Following a showing of hands it was unanimously agreed:-

*“That the relief road connecting Greenbank Road and Barrow Track be named to honour Andy Murphy the legendary Carlow footballer who died fifty years ago.”*

Councillor Murnane- O'Connor advised that the event is planned for 3<sup>rd</sup> March at 5 p.m. The Cathaoirleach advised that a contribution towards events will be discussed in committee.

## **2. CIRCULARS**

Members noted Circular Letter PL 1/2015 from the Department of Environment, Community and Local Government in relation to Planning Policy Statement 2015.

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

### **(a) Proposed by Councillor W. Paton Seconded by Councillor B. O'Donoghue AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council hereby approve in accordance with Planning & Development Act 2000 – Section 211, Local Government Act 2001 – Section 183 (1) the disposal of Plot of ground at Monavothe, Rathvilly, Co. Carlow measuring 0.26 acres to Anthony & Barbara Smith in consideration of the sum of €1,000 in accordance with the terms of the statutory notice already circulated and that the consent of the Minister of the Environment is not necessary.”*

### **(b) Proposed by Councillor J. Pender Seconded by Councillor W. Paton AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council hereby approve in accordance with Planning & Development Act 2000 – Section 211, Local Government Act 2001 – Section 183 (1) the disposal of Plot of ground at Bendenstown, (Ardbearn), Rathoe, Co. Carlow (registered under Folio CW 1823F) to Mrs. Sheila Kelly, Castledermot Road, Tullow, Co. Carlow, in consideration of the sum of €1.00 in accordance with the terms of the statutory notice already circulated and that the consent of the Minister of the Environment is not necessary”.*

### **(c) Proposed by Councillor A. Ahern Seconded by Councillor J. Murnane-O'Connor AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council hereby approve in accordance with Planning & Development Act 2000 – Section 211, Local Government Act 2001 – Section 183 (1) the disposal of Plot of ground at John Sweeney Park measuring 75.2m<sup>2</sup> adjacent to dwelling at 86 John Sweeney Park, Carlow, to Mrs. Kathleen Nolan, in consideration of the sum of €1.00 in accordance with the terms of the statutory notice already circulated and that the consent of the Minister of the Environment is not necessary.”*

(d)

The Cathaoirleach advised that he is unable to attend the St. Patrick’s Day Parade in New York. Following a recess

It was

**Proposed by Councillor A. Ahern**

**Seconded by Councillor M. Doran**

**AND**

Following a showing of hands it was unanimously resolved:-

*‘That we, the Members of Carlow County Council hereby approve the attendance of Councillors Pender and O’Donoghue at the St Patrick’s Day Parade in New York.’*

#### **4. COMMUNITY, HOUSING, RECREATION AND AMENITY, BUILDING CONTROL AND EMERGENCY SERVICES**

##### **(a) Local Community Development Committees (LCDC)**

Members had report from Michael Brennan, Chief Officer, Community on the establishment of Carlow Local Community Development Committees (LCDC) under Local Government Reform Act 2014.

The purpose of LCDC is to develop, coordinate and implement a coherent and integrated approach to local and community development. The report set out the Guiding Principles, purpose and functions of the LCDC. The LCDC comprises of seventeen members both statutory and non statutory including four elected members.

The LCDC will have oversight of the Social Inclusion and Community Activation Programmes (SICAP) and the Leader Programme. Members said there was uncertainty around the delivery of the Leader Programme. Clarification is awaited from the Minister in relation to this issue.

Mr. Brennan advised that the LCDC is a committee of the Local Authority but independent from the Local Authority in the performance of its functions. Members expressed regret that these changes have taken the place of the excellent work of the County Development Board structure with no member of Carlow County Development Board nominated to the LCDC committee.

Members expressed confusion regarding the LCDC's and said the Council will have no oversight on spending programmes. The process undermines the elected members and is anti-democratic.

Mr. Brennan advised that the SICAP programme is currently at tender stage in line with EU procurement guidelines and is open to public and private interests. The LCDC will have active oversight of this programme and the LEADER Programme. The LCDC will also undertake the development of a six year Community development and Economic development Plan for the County. The adoption of this Plan is a reserved function of members.

#### **(b) Carlow Public Participation Networks**

Members also welcomed report on Carlow Public Participation Networks from M. Brennan, Chief Officer, Community.

Under the Local Government Reform Act 2014 Public Participation Networks (PPN's) were to be set up in all local authority areas at County level linking the Local Authority with community/voluntary, social inclusion and environmental sectors.

The report set out the role, structure, establishment of the Carlow PPN. Community groups and organisations register under three different pillars of Community/Voluntary, Social Inclusion and Environmental. A Secretariat at County level was established that acts as a coordinator, facilitation, administration and communication mechanism for the PPN. The Secretariat after their election organised the election of twelve representatives on to the four Council Strategic Policy Committees.

Councillor Phelan raised issue in relation to information sought on group registrations. M. Brennan advised that he was not in a position to furnish this information as the Secretariat has responsibility. Councillors Phelan and Paton expressed dissatisfaction with this process.

Members complimented Mr. Brennan and his staff on their work implementing the difficult process in establishing the LCDC and PPN structures.

## **5. Chief Executives Monthly Management Report**

Members had for consideration Chief Executives Monthly Management Report for January 2015.

Members wished Acting Chief Executive Dan McInerney well in his new role. The following issues were raised by the Members.

Councillor Cassin- no letters issued to owners/occupiers of derelict sites.

Councillor Ahern -update on Cannery Road site. The Chief Executive advised that notices were issued. The period has now expired and some progress has been made. Owners will have to fulfill all requirements and are responsible for 24 hour security on the property.

Councillor Phelan queried if the Arts Council funding for 2015 has increased on last year.

Councillor C. Murphy and Pender raised issue of septic tank inspections and people unable to avail of grants as their septic tanks have not been inspected. The Chief Executive advised that inspections are prioritised into areas of high risk. Grants are available but septic tanks must be registered, be tested and grants are subject to means test.

Members raised the issue of shared Library Service and reiterated their concerns in relation to the matter. Members said they could not support this proposed shared service merger and noted Westmeath County Council are saying no to shared library service. Councillor Paton requested that a Notice of Motion be prepared for the March meeting of Council and signed by all the Members. The Chief Executive advised that shared service is government policy and he will revert to Members on this matter following CCMA meeting.

Councillor Deane queried the current position in relation to Community Grants funding for the Powerstown area and in relation to any remaining funding following the closure of the Landfill.

The Chief Executive advised that any remaining funding will go to the Powerstown community.

Councillor McDonald raised issue of gas odour in the vicinity of Powerstown Landfill and if it could be potentially dangerous. The Chief Executive advised that there is no potential danger to the area from the gas. He further advised that

Carlow/Kilkenny Energy Agency is looking at means to extract gas from the landfill following its closure.

Councillor Phelan and Cassin expressed dissatisfaction with response received from Irish Water in relation to addressing the members of Carlow County Council.

Members expressed serious concerns in relation to the tendering for the Control of Dogs. Members queried why animal welfare was only weighted at 20% in the tendering documentation. Members requested a joint meeting with Kilkenny County Council to ascertain their views as lead authority. Members also requested re-home rate and kill rate from Kilkenny County Council. E. Brophy outlined the process that happens with dogs in the pound. He advised of the tendering process and said he was satisfied the documentation was of a high standard. He also advised that the tenderer must maximise the re-homing of dogs.

The Chief Executive advised that he will examine the issue when the tendering process is complete.

In response to Members queries the Chief Executive advised that Well Grants are still available.

### **Construction of 14 Number Dwellings at St. Patrick's Park, Tullow, Co. Carlow**

Members had report from G. Guerin, Acting Director of Services on Carlow County Council's proposal to carry out the construction of 14 number dwellings at St. Patrick's Park, Tullow. The 14 number dwellings include 7 number 3-bedroomed and 7 number 2-bedroomed dwellings.

Members' approval was sought to commence the public consultation process.

### **Proposed by Councillor W. Paton Seconded by Councillor J. Pender AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council hereby approve the proposed construction of 14 number dwellings at St Patrick's Park, Tullow and to the commencement of the public consultation process in accordance with Planning & Development Acts, 2000/2010 Planning & Development Regulations, 2001 (Part VIII) as amended.'*



## **7. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY**

### **(a) Health**

Councillor Murnane-O'Connor raised issue of X-Ray unit St. Dymphna's Hospital. Councillor Pender advised that the issue was raised at the Health Forum meeting and Members were advised that the system in St. Dymphna's was operating successfully in conjunction with Kilkenny X-ray Department.

Councillor Cassin sought clarification from the Health Services on issue of patient unable to obtain a bed in St James's Hospital, Dublin and being informed by Cork University Hospital that he was outside their jurisdiction.

### **(b) Tenders for opening if any**

Members noted tenders opened since the last Council meeting.

### **(c) Conference Attendance Approvals**

Members unanimously agreed following a showing of hands to the attendance at the following Conferences.

> *The Finance Act 2014 - Carlingford, Co. Louth 23<sup>rd</sup> to 25<sup>th</sup> January*

> *Governments Construction 2020 Strategy - Wexford 6<sup>th</sup> to 8<sup>th</sup> February*

> *Sustainable Tourism Development – Galway 20<sup>th</sup> to 21<sup>st</sup> February*

> *Regeneration Local Spaces/Community Planning – Dublin 26<sup>th</sup> February*

> *26<sup>th</sup> Colmcille Winter School – Letterkenny 27<sup>th</sup> and 28<sup>th</sup> February*

> *EU Support Programme for Irish Regions – Carlingford, Co. Louth 27<sup>th</sup> January to 1<sup>st</sup> March*

> *The New Companies Act – Clonakilty 6 to 8<sup>th</sup> March*

> *The Councillor & Irish Water (Water Services Bill 2014) Letterkenny 7<sup>th</sup> to 8<sup>th</sup> March*

## **6. TRANSPORTATION, ENVIRONMENT & WATER SERVICES**

### **(a) Public Lighting Report**

Members welcomed Public Lighting report from L. Fitzgerald, Acting Director of Services.

Mr. Fitzgerald advised of the current contract with Airtricity Utility Solutions (AUS). The contract came into effect in March 2011 for a three year period extendable on a yearly basis for a further two years. The contract was for replacement of bulbs and lanterns failing. Other works such as repair of knocked down lighting columns or the replacement of old timber poles, cable faults and access issues were outside the scope of the contract.

Members expressed dissatisfaction with delays from the time the fault is first reported to when the problem is addressed and expressed no confidence in the company.

Members queried if a penalty system is applied if the AUS did not meet their obligations within ten working days. Members called for improve methodology with AUS providing up to date reports on works done and reasons why works are outstanding. L. Fitzgerald advised of improvements in this regard where staff is informed by AUS with weekly reports of works undertaken and lights still to be fixed. He also advised that dedicated resources will be provided to carry out specimen checks monitoring faults from date recorded to date fixed. He also advised of the importance for AUS to log faults outside their remit.

Members also voiced concerns in relation to building contractors and sub-standard work and requested that the Council write to the Minister in relation to the regulation of building contractors. Members also said building contractors are in breach of health and safety regulations if there is non completion of public lighting in housing estates and requested that this Council write to Health and Safety Authority in relation to their role on this issue.

Members raised issue of taking in charge of public lighting in estates not taken-in-charge by the Council. L. Fitzgerald advised of legal issues around such an arrangement which will need to be examined by the SPC and brought to a subsequent full meeting of Council.

Members raised issue of yellow/orange lighting not providing adequate lighting and the need to update these lights. Mr Fitzgerald advised of obligation to reduce energy output associated with public lighting to meet our international energy obligations. He advised that LEDs are the most energy efficient and good quality lighting and with advanced technology are becoming more cost effective. The provision of LED lighting will be examined this year. Dimming and trimming will also be carried out this year to reduce our energy footprint.

Councillor Doran requested the provision of public lighting at cemetery in Ballinabranna.

All issues raised by Members were addressed by L. Fitzgerald.

Members raised the following issues in relation to roads activities which were responded to by L. Fitzgerald.

- > Councillor O'Donoghue raised issue of CIS Scheme. L. Fitzgerald advised that no notification in relation to this scheme has been received to date.
- > Councillor Pender raised issue of some funding from Local Improvement Scheme being diverted for private lanes.
- > Councillor Browne raised issue of private lanes being taken-in-charge enabling people apply for CIS funding. This issue to be discussed at SPC and Municipal District meetings.
- > Councillor Cassin raised issue of salting Royal Oak Road. L. Fitzgerald advised of problem with gritter preventing the road being salted on the particular occasion.
- > Councillor Quinn complimented the staff in the southern end of the county on salting of roads.

## **8. CORRESPONDENCE**

**Members noted correspondence from the Department of Finance** in response to Members correspondence in relation to Single Person Child Carer Credit.

**Member noted correspondence from the Department of Finance** in response to Members Notice of Motion adopted at the December meeting of Council in relation to funding for the National Museum of Ireland.

**Members noted correspondence from Dublin City Council** in response to Notice of Motion adopted at the December meeting of Council in relation to cash for gold.

**Members noted correspondence from the Department of Arts, Heritage and the Gaeltacht** in relation to Notice of Motion adopted at the December meeting of Council in relation to funding for the National Museum of Ireland.

**Members noted correspondence from the Office of the Minister for Justice, Equality and Law Reform** in relation to Notice of Motion adopted at the December meeting of Council in relation to cash for gold.

**Members noted correspondence from the Department of Communications, Energy and Natural Resources** in response to Members correspondence concerning the Grid Link Development.

9. Fógraí Rúin/Notices of Motion.  
Standing in the name of Cllr. Jennifer Murnane O'Connor

**Proposed by Councillor J. Murnane-O'Connor**

**Seconded by Councillor A. Ahern**

**AND**

Following a showing of hands it was unanimously resolved:-

“That Carlow County Council name currently un-named public buildings, roads or parks after Cumann na mBan, or a member of Cumann na mBan from their county on this year the year of the 100<sup>th</sup> anniversary of Cumann na mBan. It is fitting and appropriate that Councils recognise the women of Cumann na mBan and also the role of other women who have made a significant contribution to our society.

Dermot Mulligan, Museum Curator is to be contacted in relation to research work he was asked to undertake by the Members on Cumann na mBan the Carlow connection at meeting in 2014.

10. **Aon Ghnó Eile/Any Other Business with the consent of the Cathaoirleach.**

There was no further business to be transacted.

This concluded the business of the meeting.