

## **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 13th May 2013 at 2.00 p.m**

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Present: Councillor M. Abbey, Cathaoirleach  
Councillor A. Ahern (Nee Long)  
Councillor F. Browne  
Councillor M. Doran  
Councillor W. Fennell  
Councillor D. Foley  
Councillor F. Hunter  
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  
Ms. B. O'Brien, Director of Service - Community and Enterprise,  
Economic Development & Corporate Services.  
Mr. J. Carley, Director of Service - Environment, Water Services  
& Health and Safety.  
Mr. D. McInerney, Director of Services  
Transportation & Safety & Emergency Services.  
Mr. P. Delaney, Head of Finance  
Mr. S. O'Connor, Director of Services, Housing,  
Recreation & Amenity & Special Projects.  
Mr. R. Fitzgerald, Financial Accountant

Mr. E. Brophy, Senior Executive Officer,  
Corporate Services.

Ms. B. Whelan, Assistant Staff Officer,  
Corporate Services.

Pat Deering T.D. was also in attendance.

### **OPENING PRAYER**

The opening prayer was recited in Irish by the Members.

### **VOTES OF SYMPATHY**

The Members expressed votes of sympathy to:

- Councillor Michael Doran on the death of his mother
- Tony and Gillian Markey, 'Aclare House', Myshall, on the tragic death of their son Ben.
- The family of Rosemary Bradley, Ballybromhill, Fenagh and Corinne VonBonde(nee Bradley) of Cape Town, South Africa who died following a tragic accident.
- John McLoughlin and Family, Pollacton House, on the death of his wife Patricia.
- Margaret Byrne and family, Pollough Lodge, Skeoughvosteen, Co. Kilkenny on the death of her husband Jim.

### **VOTES OF CONGRATULATIONS**

The Members expressed votes of congratulations to:-

- Carlow Camogie on being promoted from Division 4 to Division 3
- Councillor John Murphy on his recent retirement as Manager of Tullow Livestock Mart
- All involved with the success of the Borris Tractor Nuts Run 2013
- The Director of Services and Carlow Tourism on the success of Ducketts Grove Country Fair 2013 held on 5th May.
- Sean O'Brien on being selected for the Rugby British and Irish Lions squad tour of Australia
- Jim Bolger horse trainer on his recent success and wished him will with his chances in the upcoming Epsom Derby
- Gerard Deering on his appointment as Assistant Secretary General at the Department of the Environment, Heritage and Local Government
- Fr Denis Nulty on his appointment as Bishop of Kildare and Leighlin

- Monsignor Brendan Byrne, for his work and dedication to the Diocese of Kildare and Leighlin as Diocesan Administrator for the past three years.
- Carlow Tourism on the success of National Tourism Conference held in the Lord Bagenal 18th to 20th April 2013.

## **1. CONFIRMATION OF MINUTES**

- (a) Proposed by Councillor T. O'Neill  
Seconded by Councillor T. Kinsella  
AND**

Following a showing of hands it was unanimously resolved:-

*“That the Minutes of the April Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 8th April at 2.00 p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.*

## **2. CIRCULARS**

Members noted Circular F.02/13 Electoral (Amendment) (Dáil Constituencies) Act 2013 Revision of Dáil Constituencies.

Members raised the following issues:-

- Councillor Paton raised issue in relation to accuracy in compilation of the Register of Electors. The County Manager advised that work will be undertaken this year on the Register of Electors to improve its accuracy.

Pat Deering T.D departed the meeting.

- Councillor McDonald raised issue in relation to payment of household charge where people were unable to process their application on line by a certain date to avoid penalty charges. Councillor McDonald also sought clarification on self employed people who have not paid the household charge/property tax if this will have implications for Tax Clearance Certificate renewals.
- Councillor Quinn raised issue of polling station at Tinnahinch not being wheelchair accessible.

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

#### **(a) Disposal of 3.37 Hectares at Royal Oak Road, Bagenalstown**

**Proposed by Councillor D. Foley  
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 in accordance with Planning and Development Act 2000-Section 211, Local Government Act 2001 Section 183 (1), and that the consent of the Minister of the Environment is not necessary, the disposal of 3.37 Hectares at Royal Oak Road, Bagenalstown to Housing Sustainable Communities Ltd., Floor 2, Cumberland House, Fenian Street, Dublin 2 in the sum of €1.00 in accordance with the terms of the statutory notice already circulated.*

Mr. O'Connor advised that Housing Sustainable Communities Ltd is responsible for the management and maintenance of lands transferred under the scheme. There will be savings for the Local Authority as there will be no repayments. The land will continue to be available for social housing.

Members requested an inventory of Council land bank and on any information that may be available on NAMA interest in housing and lands in County Carlow.

#### **(b) Extinguishment of public right of way over L2002-O Class 111 road off the R726 at Raheendaw, Rathvilly, County Carlow**

Members had report from D. McInerney on the Council's intention to extinguish the public right-of-way over class 111 road L20002-O off the R726 at Raheendaw, Rathvilly, Co. Carlow.

Following the public consultation process no submissions were received. Members' approval was sought to extinguish the public right-of-way and declare the laneway as a private roadway.

**Proposed by Councillor F. Hunter  
Seconded by Councillor W. Paton**

**AND**

Following a showing of hands it was resolved:-

*“That we, the Members of Carlow County Council, hereby approve in accordance with Section 73 of the Roads Act, 1993; and Part 11 of the Roads Regulations 1994, the extinguishment of the public right-of-way over the Class 111 Local Road L20002-0(Cul de Sac)off the R726 at Raheendaw, Rathvilly, Co. Carlow”*

**(c) Declaration of laneway known as ‘Ballylennon Lane’ as a public road**

Members had report from D. McInerney on the Council’s intention to declare the laneway known as Ballylennon Lane, Burton Hall/Ballylennon, Co. Carlow as a public road.

Following the public consultation process no submissions were received.

Members’ approval was sought to declare the laneway as a public roadway.

**Proposed by Councillor F. Browne**

**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 Section 11 of the Roads Act, 1993; and Part 11 of the Roads Regulations 1994, the declaration of the laneway known as ‘Ballylennon Lane’ at Burton Hall/Ballylennon, Co. Carlow as a public road.”*

**(d) Agree date for Annual Meeting**

Following a showing of hands it was unanimously agreed that the Annual meeting and the July meeting be held on 24th June 2013.

**4. FINANCE & INFORMATION TECHNOLOGY**

**(a) Annual Financial Statement 2012**

Members had report on Annual Financial Statement for year ending 31st December 2012 from Pat Delaney, Head of Finance.

Members complimented Mr. Delaney and his staff for their hard work on managing the finances of the Council in a very challenging environment. The County Manager also expressed his gratitude to Mr. Delaney and staff.

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.

Members raised the following issues:

- Staff embargo. Staff Increments and bonus payments.
- Carlow Eastern Relief Road
- Household charge €200 from July.
- Doubtful debts
- Conflicting information on liability for household charge where premises is rated for commercial purposes but part of premises is for domestic use.
- Development levies
- Powerstown Landfill
- Global Valuation and effects on businesses

Queries raised by Members were addressed by County Manager and Mr. Delaney.

### **Expenditure in Excess of Annual Budget**

Mr. Delaney advised that in 2012 expenditure in excess of the Annual Budget occurred on a number of individual services, which was offset by additional receipts, grants/recoupments or savings in other areas. Members' approval was sought to this expenditure as per the schedule as set out.

**Proposed by Councillor T. Kinsella**

**Seconded by Councillor D. Foley**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council, approve in accordance with Section 104 of the Local Government Act 2001 expenditure in excess of the 2012 Budget per the schedule below and note that the expenditure was funded by additional receipts, grants/recoupments or savings in other Service Divisions.”*

		ADOPTED BUDGET 2012	OUTTURN 2012	BUDGET V OUTTURN	DETAILS
A01	MAINTENANCE OF LA HOUSING	901,274	956,657	55,384	ADDITIONAL EXPENDITURE
A02	HOUSING ASSESS, ALLOC AND TRANS	207,434	220,414	12,980	OFFSET BY SAVINGS IN OTH SERVS

A04	HOUSING COMMUNITY DEV SUPPORT	168,352	179,061	10,709	OFFSET BY SAVINGS IN OTH SERVS
A11	AGENCY & RECOUPABLE SERVICES	114,200	114,556	356	OFFSET BY SAVINGS IN OTH SERVS
B01	NP ROAD - MTCE AND IMPR	294,189	339,108	44,918	ADDITIONAL ROAD GRANTS
B02	NS ROAD - MTCE AND IMPR	368,690	402,459	33,769	ADDITIONAL ROAD GRANTS
B03	REGIONAL ROAD - MTCE AND IMPR	1,193,089	1,450,498	257,409	ADDITIONAL ROAD GRANTS
B05	PUBLIC LIGHTING	507,690	545,130	37,440	ADDITIONAL EXPENDITURE
B10	SUPPORT TO ROADS CAPITAL PROG	212,800	214,813	2,013	OFFSET BY SAVINGS IN OTH SERVS
B11	AGENCY & RECOUPABLE SERVICES	118,300	118,654	354	OFFSET BY SAVINGS IN OTH SERVS
C02	WASTE WATER TREATMENT	3,312,464	3,536,505	224,041	OFFSET BY SAVINGS IN WATER SERV
C04	PUBLIC CONVENIENCES	51,263	57,858	6,595	ADDITIONAL EXPENDITURE
C05	GROUP AND PRIVATE INSTALLATIONS	17,799	19,348	1,548	OFFSET BY SAVINGS IN OTH SERVS
D02	DEVELOPMENT MANAGEMENT	605,707	675,889	70,182	OFFSET BY SAVINGS IN OTH SERVS
D03	ENFORCEMENT	209,491	229,761	20,271	ADDITIONAL EXPENDITURE
D07	UNFINISHED HOUSING ESTATES	52,946	53,466	520	OFFSET BY SAVINGS IN OTH SERVS
D08	BUILDING CONTROL	128,199	129,674	1,475	OFFSET BY SAVINGS IN OTH SERVS
E01	LANDFILL OPERATIONS & AFTERCARE	1,111,038	1,161,407	50,368	ADDITIONAL INCOME OFFSET
E12	FIRE PREVENTION	184,915	192,784	7,869	OFFSET BY SAVINGS IN OTH SERVS
F04	COMMUNITY SPORT AND REC DEV	19,472	27,650	8,178	ADDITIONAL EXPENDITURE
G04	VETERINARY SERVICE	328,561	331,356	2,795	OFFSET BY SAVINGS IN OTH SERVS
H03	ADMINISTRATION OF RATES	372,305	652,663	280,358	PROVISION FOR DOUBTFUL DEBTS
H05	CORONER EXPENSES	89,501	93,086	3,584	OFFSET BY SAVINGS IN OTH SERVS
H07	MARKETS AND CASUAL TRADING	28,344	28,371	26	OFFSET BY SAVINGS IN OTH SERVS
H11	AGENCY & RECOUPABLE SERVICES	1,442,550	1,598,987	156,437	ADDITIONAL INCOME OFFSET

## 5. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES

### (a) Carlow Local Authorities- Supporting Enterprise, Local Development & Economic Growth

Members welcomed report from Ms. B. O'Brien on Carlow Local Authorities Economic Development activity supporting economic activity in County Carlow. The report also had schedule of initiatives carried out by the Carlow Local Authorities for year ended 31st December 2012. Members paid tribute to Ms. O'Brien for her hard work and key role she plays in supporting enterprise and economic growth across the county. Members spoke of the major progress Carlow has achieved in the past five years, despite the economic downturn, and the importance of showcasing businesses in Carlow. Members also spoke of the potential for tourism in the County with the excellent resource and co-operation of Carlow Tourism.

Members welcomed the establishment of Local Enterprise Offices (LEO's) to act as one-stop shops to deliver enterprise supports through the local government system. Ms O'Brien advised that an implementation group

has been established and will bring further details to June meeting of Council.

In response to Members concerns regarding access to finance for businesses Ms. O'Brien advised of public information meeting for businesses to be held within the next few months which will deal with the issue of finance.

The County Manager also spoke of the achievements of Carlow Local Authorities over the past five years and complimented the Members on their vision and commitment to Carlow.

## **6 HOUSING, RECREATION & AMENITY & SPECIAL PROJECTS**

### **(a) Ireland Newfoundland Connections – County Carlow**

The Cathaoirleach welcomed to the Chamber Eamon O'Murchu, Chairperson of the Ireland Newfoundland Connection Committee and Dr. Walter Kirwan Vice-Chair of the Ireland Newfoundland Partnership and Board Member of the Ireland Newfoundland Connection.

Mr. O'Murchu showed a video depicting the South East Ireland emigration trail to Newfoundland and particularly the Carlow connection.

Irish migration to Newfoundland represents the oldest connection between Ireland and Canada beginning around 1675. There was substantial migration peaking in the 1770's and 1780's. These migrations were seasonal or temporary for the transatlantic fishery. Seasonal and temporary migrations slowly evolved into emigration and the formation of permanent Irish family settlement in Newfoundland. An 1836 census showed the South East Irish composed half the total population of Newfoundland helping to transform the social, demographic and cultural character of Newfoundland.

Dr Walter Kirwan advised that the vast majority of Irish came from Waterford and its hinterland. They came specifically from southwest Wexford, south Carlow, south Kilkenny, southeast Tipperary, southeast Cork, and county Waterford. They were drawn from parishes and towns along the main routes of transport both river and road. Old river ports such as Graiguenamanagh on the Barrow were important centres of recruitment as were the rural parishes along these navigable waterways. In Newfoundland they created a distinctive subculture through the 18th century that is still evident. Almost all were Catholic.

Dr Kirwan spoke of the annual festival which alternates each year between Ireland and Newfoundland promoting community, cultural, and



historic ties between Newfoundland and Southeast Ireland This year the Festival will be held in Newfoundland but a special Clan gathering (Power) will take place in Ireland as part of the 'The Gathering Ireland 2013 from May 31st to June 4th.

Mr. O'Murchu raised issue of reinforcing this link with Carlow schools twinning with Newfoundland.

The Director of Services Mr. S. O'Connor said the importance of Carlow's link with Canada/Newfoundland was respected by the attendance of His Excellency Ambassador Loyola Hearn, Canadian Ambassador at a number of important events in the County. Mr. O'Connor said in view of Carlow's emigrant trail to Newfoundland, it is considered that Carlow could play a role as an active participant of the Ireland Newfoundland Connection Committee.

The Cathaoirleach and Members thanked Mr. O'Murchu and Dr. Kirwan for their excellent presentation and queries raised by Members were addressed by Mr. O'Murchu and Dr. Kirwan.

### **5 (b) Arts Act Grant Scheme 2013**

Members had report from Ms. B. O'Brien on Arts Act Grant Scheme for Individual Artists and Groups 2013.

Members' approval was sought to the awards recommended as listed.

**Proposed by Councillor W. Paton**

**Seconded by Councillor T. O'Neill**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council hereby approve the Arts Act Grant Scheme 2013 for Individual Artists and Groups as set out.'*

### **(c) Agriculture**

Councillor C. Townsend, Chairperson of Finance, Health & Agriculture Strategic Policy Committee advised Members of the following issues raised at SPC meeting held on Wednesday 24th April, 2013.

- Members expressed concern at the current fodder shortage for animals.
- Members were advised that the Smallenberg virus is still causing birth deformities and abortions in sheep and cattle in the area. This virus will be monitored carefully in the coming months
- Members expressed concern at the number of stray horses being abandoned on farms, private property and public areas including

roads. Members requested a report on the procedures to be followed regarding the control of horses.

**(d) Health**

Councillor W. Fennell advised of proposal on configuration of hospitals in the South East. The plan involves all 49 hospitals in the country coming into 6 groupings – each would have an academic link to a university and contain at least one teaching hospital. St Lukes Hospital for Carlow-Kilkenny will no longer be linked with Waterford Regional, but with a Dublin group of hospitals including St Vincents, the Mater & Holles Street.

Councillor C. Townsend advised of the following health issues raised by Councillor Fennell at the Finance Health and Agriculture SPC meeting held on Wednesday 24th April.

- South East Home Help hours have been cut. Some recipients are only allocated a half hour which is not sufficient for those in need of help
- The Government and the HSE have taken steps which will see a reduction in the high cost of drugs with the introduction of generic drugs
- There is a proposal to tie Carlow and Kilkenny to UCD Hospitals. This has not been decided by Cabinet as yet. This is only a proposal at present.

**(e) Tenders for opening, if any**

Members noted tenders opened since last Council meeting.

**7. ENVIRONMENT, WASTE SERVICES & HEALTH & SAFETY**

**(a) Report on River Burrin Flooding**

Members welcomed report from J. Carley on River Burrin Flooding. Mr. Carley advised of serious flooding which occurred in March. This was due to intensive rainfall with the river reaching its highest levels since records began in 1955.

Mr. Carley advised that following a meeting of the Burrin Joint Drainage Committee, attended by landowners and farmers on the river Burrin, landowners agreed to co-operate with and engage in work where feasible

during the summer months. The Council also undertook to liaise with Fisheries/National Parks to assist in finding acceptable solutions. Councillor Murnane O'Connor raised issue of flooding at housing estate on Burrin Road. Mr. Carley advised that provision of valves and a small pumping station is being investigated as a possible solution.

Councillor Foley raised issue of signage at road junctions.

### **Extension of time**

Suspension of Standing Orders

It was unanimously agreed to suspend that part of Standing Orders of Carlow County Council to facilitate the Meeting to 5.50pm.

## **8. TRANSPORTATION & EMERGENCY SERVICES**

### **(a) Carlow Southern Relief Road – Preparation of CPO**

Members had report from Mr. D. McInerney on preparation of CPO Carlow Southern Relief Road.

Mr. McInerney advised that to ensure certainty of land ownership to complete the road, which commences at the Éire Óg roundabout to the N80, it is desirable that a CPO is prepared. Mr. McInerney set out CPO procedure.

Mr. McInerney also advised that considerable progress has been undertaken and acknowledged the co-operation received to date from the landowners involved with respect to acquisition of lands at the proposed Ballinacarrig Roundabout. It is anticipated that the lands necessary for the roundabout will be secured by negotiation following due process.

Councillor Pender raised issue of Tullow Bypass. Mr. McInerney said that the Council attaches high importance to this issue. Councillor Paton said the town would be better served if the bypass was commenced at the southern end of town taking the traffic away from the bridge area.

## **9. CORRESPONDENCE**

**Members noted from Southern & Eastern Regional Assembly Audited Annual Financial Statement for the financial year ended 31st December 2012.**

**Members noted correspondence received from the Health Service Executive** regarding notice of motion to maintain the vital Dublin-Waterford Hospital Bus Service.

**Members noted resolutions from South Tipperary County Council** *'That we the Members of South Tipperary County Council call on Minister Joan Burton to reverse the cuts to heating and free fuel schemes implemented since she became Minister for Social Protection'*.

*'That we the Members of South Tipperary County Council call on the Minister for Local Government, Mr. Phil Hogan, T.D. to reverse the cuts to disabled Persons Grants and Housing for Older People Grants and re-instate the 2012 grant allocation.'*

**Members noted correspondence received from the office of the Minister for Transport, Tourism & Sport** regarding the withdrawal of the 16.50hrs train service from Waterford to Dublin.

**Members noted correspondence received from the National Transport Authority** in relation to Rural Transport Programme: Ring-a-link.

**Members noted correspondence received from North Tipperary County Council** in relation to rates, particularly in relation to rural public houses.

**Members noted correspondence received from the office of the Minister of State Public & Commuter Transport** in response to Members letter regarding the Rural Transport Programme: Ring-a-link.

**Members noted resolutions from Monaghan Town Council** *'that this Council calls on the relevant Departments and agencies to consider how best to regulate the quantity, quality and labeling of packaging materials used on smaller items for sale in Ireland with a view to reducing the amount of packaging used'*.

*'that we write to the Minister for Justice, Alan Shatter calling on maximum 10 year sentence and a minimum of 5 years for any person involved in a fatal motor accident who leaves the scene.'*

**(10) Any other business with the consent of the Cathaoirleach.**

- Councillor Kinsella raised issue regarding Carlow Stages Rally 2013 where local people in the Ballinkillen area experienced unsavoury incidents due to poor stewardship. Members called for proper stewarding and marshalling of the event in future years.
- Councillor McDonald raised issue of RAS or Respond tenants unable to transfer to Local Authority Housing and Respond tenants not being afforded the opportunity to buy out their homes.

Members attendance at the following conferences were approved:-

Flood Risk Assessment,  
Westport Plaza Hotel,  
Westport,  
Co. Mayo.  
10<sup>th</sup> to 11<sup>th</sup> May 2013

Cllrs. P. O'Toole, T. O'Neill  
& D. Hurley

The Future of Local Government in Ireland,  
Kingsvalley Hotel,  
Dublin Road, Galway.  
12<sup>th</sup> to 13<sup>th</sup> April 2013

Cllr. T. O'Neill & W. Lacey

Dealing with Unfinished Housing Estates,  
Manor West Hotel,  
Killarney Road,  
Tralee, Co. Kerry.  
17<sup>th</sup> to 18<sup>th</sup> May 2013

Cllr. A. Ahern

Domestic Water – Flouridation

Cllr. A. McDonald

Moran Silver Springs Hotel,  
Cork.  
10<sup>th</sup> to 12<sup>th</sup> May 2013

Common Agricultural Policy after 2013  
Connacht Hotel,  
Dublin Road, Galway.  
24<sup>th</sup> to 25<sup>th</sup> May 2013

Cllr. D. Foley

The Nursing Home Support Scheme  
Connacht Hotel,  
Dublin Road, Galway.  
31<sup>st</sup> May to 1<sup>st</sup> June 2013.

Cllr. W. Quinn

This concluded the business of the meeting.