

## CARLOW COUNTY COUNCIL

**Minutes of the October Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 13<sup>th</sup> October 2014 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. T. Barry, Chief Executive  
Ms. B. O'Brien, Director of Service – Corporate, Planning,  
Economic Development, Health and Safety  
Mr. S. O'Connor, Director of Services, Community,  
Housing, Recreation & Amenity, Building Control &  
Emergency Services.  
Mr. D. McInerney, Director of Services  
Transportation, Environment & Water Services  
Mr. Gerard Guerin, Chief Fire Officer  
Ms. Lily Slye, Acting Senior Executive Engineer  
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.

Councillors Cassin and Gladney raised issue of cutting down of trees at Croppy Graves which was discussed at the September meeting of Council. Members requested a detailed report on the issue with engineer's report, Carlow County Council's plans for the Croppy Graves, making contact with the relatives of those buried there and cleaning of memorial stone.

The Mayor of Carlow Municipal District advised that the issue was raised at the Municipal District meeting as agreed at the September meeting of Council and is being reviewed. The Mayor said he shared Councillors concerns in relation to the matter. Issues are being addressed and a report will be brought back to Council.

## **VOTES OF SYMPATHY**

The Members expressed votes of sympathy to:-

- Pat Grassick IT on the death of his father Tom Grassick, Mallow, Co. Cork.
- The Family of the late William (Bill) Sweeney, Lackabeg, Kildavin, Carlow former pensioner Carlow County Council.
- Avril Doyle, former MEP on the death of her husband Frederick Doyle, Crossabeg, Wexford.
- Chris Delaney, 39 Seven Springs, Tullow Road on the death of his wife Joan.
- Nodlaig Walsh, Tinnahinch, Graiguenamanagh on the death of her husband Liam
- Bernadette Scott, Tinryland on the death of her husband John.
- The Family of the late Jimmy Moran, Burrin Street, Carlow.

## **VOTES OF CONGRATULATIONS**

The Members expressed votes of congratulations to:-

- Carlow County Fire and Rescue Services Technical Rescue Team on being placed second overall in the World Rescue Challenge in Moreton-in-Marsh, England. The team won the

best Technical Rescue Team and Second best Incident Commander and they were also placed first in the Rapid Extrication scenario.

The team consisted of Station Officer John Comerford, Fire Fighters Alan Owens, Anthony Kirwan and Andrew Fisher and Driver Mechanics Paul Curran and Darren Somers.

- Rathvilly on winning the County Senior Football Championship 2014.
- Tinryland on winning their first ever County Minor Championship and the manner in which they showcased all that is good with young people and their involvement in the GAA.
- Seamus O'Connor, Director of Services, Tim Butler Senior Executive Officer, and Councillor W. Quinn on securing additional funding from the Department of the Environment, Community and Local Government for housing grants.
- Members wished St Mullins and Myshall well in the Senior Hurling Championship.
- Ballinabranna on winning the Intermediate Football Title.
- The 3 Award Winners in the County Carlow Young Entrepreneurs Competition and Members wished them well in the Regional Finals.  
Eva Milka and Lucas Kurowski – 'Gaelic Escargot'  
Roisin Hynes - 'Bank IT'  
Ana Kehoe – 'Hats off to u'
- St Andrew's on winning the Carlow Junior B Football Championship.

## **1. CONFIRMATION OF MINUTES**

**Proposed by Councillor J. Pender**

**Seconded by Councillor W. Quinn**

**AND**

Following a showing of hands it was unanimously resolved:-

"That the Minutes of the September Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on 8<sup>th</sup> September 2014, at 2.00p.m having been

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

**Proposed by Councillor W. Paton**

**Seconded by Councillor J. Murphy**

**AND**

Following a showing of hands it was unanimously resolved:-

“That the Minutes of the Special Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 22<sup>nd</sup> September 2014, at 3.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

**Proposed by Councillor A. Ahern**

**Seconded by Councillor B. O’Donohue**

**AND**

Following a showing of hands it was unanimously resolved:-

“That the Minutes of the Adjourned Special Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Friday 26<sup>th</sup> September 2014, at 3.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

## **2. CIRCULARS**

There were no circulars

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

### **(a) Exercise of Reserved Functions at Municipal District and County Council.**

Members had for their consideration report from Mr. E. Brophy in relation to performance of reserved functions in respect of Municipal District Members under the Local Government Reform Act 2014. Schedule 3 of the Local Government Act 2014 deals with reserved functions. The functions referred to in Part 1 must be performed by the Municipal Districts and the functions in Part 3 must be performed by the Plenary Council. The functions in Part 2 may be exercised by either the Municipal District or by the Plenary Council.

Mr. Brophy advised that at a meeting of the Whips and subsequently at a meeting of the Corporate Policy Group it was agreed to recommend to Council that the functions in Part 2 of Schedule 3 be exercised by the plenary Council. Notwithstanding this decision, there is still a requirement that should any matters arise under Part 2, a report should first issue re same to the relevant Municipal District Members and be included on the agenda for the MD meeting, for consideration in advance of bringing to full Council.

Members' approval was sought to this proposal.

**Proposed by Councillor W. Paton**  
**Seconded by Councillor A. Ahern**  
**AND**

Following a showing of hands it was unanimously resolved:-  
*'That we, the Members of Carlow County Council hereby approve that Part 2 of Schedule 3 of the Local Government Reform Act 2014 be exercised by the plenary Council in accordance with Local Government Reform Act 2014 Local Government (Performance of Reserved Functions in respect of Municipal District Members) Regulations 2014 (S.1. No. 231 of 2014). Notwithstanding this decision, that there still be a requirement that should any matters arise under Part 2, a report should first issue re same to the relevant Municipal District Members and be included on the agenda for the MD meeting, for consideration in advance of bringing to full Council'.*

**(b) To agree a date for 2015 Budget Meeting**

**Proposed by Councillor J. Murphy**  
**Seconded by Councillor A. Ahern**  
**AND**

Following a showing of hands it was unanimously resolved:-  
*'that the 2015 Budget meeting be held on Friday 21<sup>st</sup> November 2014 at 2.00 pm with the Pre Budget meeting scheduled for 11.00am.'*

**(c) Disposal of 0.054 acres at Ardristan to Ms. Rita Whelan, Ellengrove, Tullow, Co. Carlow**

Members' approval was sought to the disposal of 0.054 acres at Ardristan to Ms. Rita Whelan, Ellengrove, Tullow, Co. Carlow.

**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 the disposal of 0.054 acres at Ardristan to Ms. Rita Whelan, Ellengrove, Tullow, Co. Carlow in the sum of €500 plus all associated costs in accordance with the Local Government Act 2001 Section 183 (1), Planning and Development Act 2000, Section 211 and the terms of the statutory notice already circulated.'*

**(d) Taking-in-charge of footpath and public lighting at the Mill, Tinnahinch, Graiguenamanagh, Co. Carlow**

Members had report from Mr. D. McInerney on taking-in charge of footpath and public light at The Mill, Tinnahinch, Graiguenamanagh, Co. Carlow. Following the public consultation period 11<sup>th</sup> July 2014 to 11<sup>th</sup> August 2014 and a further period to the 26<sup>th</sup> August 2014 no submissions were received. Members' approval was sought to the taking-in-charge of footpath and public light at The Mill, Tinnahinch, Graiguenamanagh, Co. Carlow.

**Proposed by Councillor W. Quinn**

**Seconded by Councillor T. Kinsella**

**AND**

Following a showing of hands it was unanimously resolved:-

*"That we, the Members of Carlow County Council hereby approve the taking-in-charge of footpath and public light at the Mill, Tinnahinch, Graiguenamanagh, 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. Fire and Emergency Management**

**To Consider shared services arrangement with Kilkenny County Council**

The Chief Fire Officer Gerard Guerin introduced himself to new members of Council. Mr. Guerin paid tribute to Carlow County Fire and Rescue Services Technical Rescue Team on being placed

second overall in the World Rescue Challenge in Moreton-in-Marsh, England. The team won the best Technical Rescue Team and Second best Incident Commander and they were also placed first in the Rapid Extrication scenario. The team consisted of Station Officer John Comerford, Fire Fighters Alan Owens, Anthony Kirwan and Andrew Fisher and Driver Mechanics Paul Curran and Darren Somers. Mr Guerin said their excellent achievement was a result of hard work over a three year period and praised all involved for showcasing County Carlow Fire Services in such an excellent manner on the world stage.

Members had for their consideration National Directorate for Fire and Safety Management – Keeping Communities Safe.

The Chief Executive advised of proposals under Keeping Communities Safe of shared service approach to delivery of fire services by Local Authorities. Under this arrangement local authorities will remain as fire authorities but service delivery is to be reshaped from current 30 fire services to 21 to enhance efficiencies, quality and consistency in service delivery. Carlow/Kilkenny will be one of seven shared services with fourteen single authorities.

Gerard Guerin, Chief Fire Officer advised that the reform programme is at a very early stage of the implementation process. The objective of the reform project is to achieve a uniform and consistent approach by all fire services in supporting and delivering effective and value for money fire services at a national level with a collaborative relationship between central and local government. Mr. Guerin said he did not anticipate that policy reform will have an adverse effect on service delivery or Fire Fighter staffing levels in County Carlow.

Some Members expressed dissatisfaction with the proposed shared service arrangement and requested reassurance that County Carlow Fire Service will not be adversely affected by policy changes. Members expressed the view that it was a cost cutting measure rather than an enhanced service delivery programme.

Mr. Guerin advised he will head up a steering/working group for the two Local Authorities as the Chief Fire Officer's position in Kilkenny is currently vacant. He advised of the merits in examining the policy where achievements can be made by managing services more efficiently. The Chief Executive advised of more complex processes and regulations coming into being under Health and Safety within the fire service. He

advised that in order for the local authority to comply with such regulations a more consistent approach is required.

Each local authority will prepare an updated /revised statutory Section 26 Plan which will come before Council for adoption. At the end of the process a Section 85 Agreement between the two local authorities will come before Council for approval.

Councillor Paton proposed that a decision on the policy document be deferred pending a briefing report for Members giving an overview of the policy document and the issues and concerns of Members. This proposal was seconded by Councillor Ahern. A report is to be prepared for the November meeting of Council.

Members raised the issue of safety of bon fires in the lead up to Halloween. Mr. Guerin advised that the control of bon fires is not a statutory function of the Fire Service unless there is a dangerous fire hazard but that the Fire Service works in collaboration with other sections to monitor dangerous situations. He said that going forward organised bon fires may be pursued in collaboration with community groups.

The Cathaoirleach suggested a permit requirement indicating materials to be used in bon fires. The Chief Fire Officer is to examine the issue.

## **5. Visual Centre for Contemporary Art and George Bernard Shaw Theatre**

### **To hear progress report from Ms. Ann Mulrooney, Chief Executive Officer.**

Ms Ann Mulrooney, Chief Executive Officer gave a comprehensive progress report to Members on VISUAL/George Bernard Shaw Theatre.

Members complimented Ms. Mulrooney on her work and vision for VISUAL but expressed concerns at the financial burden VISUAL places on Carlow County Council's annual budget. For 2014 1% of the annual budget (€565,000) is allocated to VISUAL.

A detailed discussion took place on how VISUAL can be further promoted and made more assessable to the general public, community groups and be part of a tourism strategy.

Ms Mulrooney welcomed Members comments and outlined strategies for the promotion of VISUAL at local, regional, national and international level. She advised of audit report which showed increased profitability but annual



depreciation of €300,000 was a major issue which is dealt with by releasing shares.

The Chief Executive advised of the importance of VISUAL for Carlow as Carlow has a thirty year history of contemporary art and as an attraction to visitors and businesses coming to Carlow.

He further advised that due to economic downturn no additional funding will be forthcoming from the Arts Council and the level of subsidy will have to be maintained into the future. He urged Carlow County Council as shareholder to work at sustaining VISUAL for Carlow into the future.

The Cathaoirleach proposed that the Council issue a letter to the Arts Council requesting additional funding and expressing Members concerns on the sustainability of VISUAL going forward. A letter is also to issue to the Minister for Arts, Heritage and the Gaeltacht seeking her support.

## **6. Departmental Progress Reports**

### **(a) Transportation, Environment and Water Services**

Members welcomed progress report on the Roads Services in Carlow to end of September 2014 from Mr. D. McInerney.

The report was presented by Municipal Districts and Members complimented Senior Executive Engineers Ray Wickham and Pat Harrington on the roads programme to date.

Members raised the following issues;-

>Report for Members on Bridge stock in the County

>Flooding Corries Road, Bagenalstown

>Water flowing down street in Nurney

>Flooding Kilcarrig, Main St and Station Road Muinebheag. The engineer is to be contacted to clear storm drains and have the water diverted to manhole.

>Hedgecutting

>Road Restoration Improvement Busherstown - traffic calming measures not fully completed

> The need for road signage for prevention of accidents at swimming pool Bagenalstown Road.

>Footpaths Oliver's Terrace, Rathoe

>Footpaths Collins Park, Rathvilly

>Works on Kelly's Ford Bridge, Hacketstown

>Restoration of footpaths Tullow Street

>Signage rural roads

- >Post Office Bagenalstown relocated to filling station. The location is a safety hazard. Write to An Post re securing alternative location for safety reasons.
- >Funding for footpath at Mount Wolseley Road, Tullow

All issues raised were addressed by Mr. McInerney.

Members raised the following issues in relation to Water Services Report.

- >Request reports from Irish Water for the benefit of the public on Council's role in water services activities.
- >Reporting of leaks by members of the public to Irish Water not being acted on by Irish Water.
- >Water Main Street, Borris unfit for human consumption
- > In response to Members query Mr. McInerney advised that Development levies for water are not applied to planning permissions granted by Carlow County Council since 1<sup>st</sup> January 2014. The Chief Executive advised that up to 31<sup>st</sup> December 2013 a planning and development contribution was applicable. Since 1<sup>st</sup> January 2014 Irish Water will apply a capital contribution with connection fee to cover costs. The charge levied by Irish Water is similar to development contribution levied by the Local Authority prior to 1<sup>st</sup> January. Storm water levy is still the responsibility of Carlow County Council.
- >Members queried the Housing Section role in sending out letters requesting people to register with Irish Water.
- >Burst pipe Graiguecullen at weekend and confusion with calls being redirected to the Council by Irish Water. Mr. McInerney advised that Irish Water is not operating an after hours service as yet.

Members thanked Brian O'Donovan and staff for dealing with the issue promptly.

Members requested that Irish Water be invited to a meeting of Carlow County Council to enable Members address issues they may have.

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

Members raised the following issues under the Environmental Report;-

- >Dumping of litter at night time in Tullow and the urgency to catch those responsible.
- >Powerstown Landfill and its expected capacity date 2016.

- > Domestic food waste regulations and whether the operation of three bin collection is successful.
  - >Litter Management Plan 2014-2017. Mr. McInerney advised that the Draft Plan will be brought to Council before the end of 2014.
- All issues raised by Members were addressed by Mr. McInerney.

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

Members noted the first monthly management report prepared by the Chief Executive as required under Local Government Reform Act 2014. The report set out the main activities of Carlow County Council across the various service areas for the period June 2014 to September 2014.

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

### **(a) Energy Upgrade / SEAI Grants (Presentation by L. Slye, Senior Executive Engineer Carlow/Kilkenny Energy Agency)**

Mr. S. O'Connor, Director of Services advised of approval of additional funding of €650,000 from the Department of Environment, Community and Local Government for grant aid under disability and elderly housing grants scheme. Members complimented Mr. O'Connor, Mr. Butler and Councillor Quinn on securing the additional funding.

Mr O'Connor to email Members details in relation to the additional funding.

Mr. O'Connor introduced Declan Keogh of Carlow/Kilkenny Energy Agency and Ms. Lily Slye Senior Executive Engineer to the meeting. Mr. Keogh briefed Members on the role of Carlow/Kilkenny Energy Agency in engaging with Local Authorities and communities promoting energy efficiency and renewable energy in Local Authorities, small/medium enterprises and community and voluntary groups.

Members praised the energy upgrade programme in Carlow County Council's social housing to date.

Mr. O'Connor urged applications to be submitted for inclusion in next year's SEAI Grants Scheme.

Issues raised by Members were addressed by Mr. Keogh and Ms Slye.

Councillor McDonald requested a report on Housing for November meeting to include report on vacant houses.

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

### **(a) Agriculture**

There were no matters arising

### **(b) Health**

There were no matters arising

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

Members noted tenders opened since the last Council meeting. Issue raised in relation to tender pricing was addressed.

### **(d) Conference Attendance Approvals**

**Proposed by Councillor J. Pender**

**Seconded by Councillor A. Ahern**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council, hereby approve Members attendance at the following training events.*

*Housing training event, Nenagh – 16<sup>th</sup> October*

*LAMA training event, Buncrana – 17<sup>th</sup>-18<sup>th</sup> October*

*AILG training event, Cavan - 29<sup>th</sup>-30<sup>th</sup> October*

*Planning training Event, Wexford – 6<sup>th</sup> November*

Members are to liaise with E. Brophy.

## **10. CORRESPONDENCE**

**Members noted correspondences Manus Tiernan of Waterways Ireland** in relation to presentation to elected members.

E. Brophy to write to Waterways Ireland inviting them to address Members at the November meeting of Council.

**Members noted correspondence from the Department of Environment, Community and Local Government – Alignment/Local Government Community Services** in relation to the nomination of elected members to the boards of Local Development Companies (LDC's)

**Members noted correspondence by email from John Keogh of Tullowphelim Historical Society** thanking members for grant given to the society.

**Members noted correspondence from the Department of Environment, Community and Local Government** in response to Members letter in connection with Tenant Purchase Scheme.

**Members noted correspondence from Sean Dorgan, Fianna Fail General Secretary** in response to members' letter of condolence in respect of former Taoiseach Albert Reynolds RIP.

**Members noted correspondence from the Department of Environment, Community and Local Government** in response to Members letter in connection with RAS Scheme.

**Members noted correspondence from Office of the Minister for Justice and Equality** in response to Notice of Motion adopted by the Members calling on the Minister for Justice and Equality to implement the Justice Committee's unanimous recommendations to introduce legislation which make it an offence to pay for sex.

**Members noted correspondence from the Department of Finance** in response to Notice of Motion adopted by the Members calling on the Minister for Finance to lower USC in the forthcoming budget to give hard-pressed workers relief.

**Members noted correspondence from the National Asset Management Agency** in response to Members correspondence in relation to NAMA's role in respect of properties.

**Members noted email from Pat Deering T.D** in response to Members resolution in relation to Childcare Facilities.

**Members noted resolution from Monaghan County Council - (Carrickmacross Castleblaney Municipal District)**

*'That this Municipal District Authority calls on the Minister for Arts, Heritage and the Gaeltacht, Ms. Heather Humphreys to examine the possibility of the introduction of an adequate high level grant aid scheme for buildings that are listed, both commercial and residential.'*

Councillor Gladney advised of upcoming walking event along the Barrow from Graiguenamanagh to St. Mullins.

## **11. NOTICES OF MOTION**

Standing in the name of Cllr. William Paton, Jennifer Murnane O'Connor, John Cassin, Brian O'Donoghue, Fergal Browne, Andy Gladney, Jim Deane, Anne Aherne (nee Long), John Pender, Fintan Phelan and Arthur McDonald.

**Proposed by Councillor W. Paton**  
**Seconded by Councillor J. Cassin**  
**AND**

Following a showing of hands it was unanimously resolved:-

*“That this Council calls on the Minister for Finance to amend the regulations for the Single Person Child Carer Credit such that if the tax credit is not taken up/used by the primary claimant before the end of the tax year, that the tax credit may be transferred to the secondary claimant without the need for the primary claimant to give written permission to the Revenue Commissioners for the transfer of the tax credit to the secondary claimant.”*

Standing in the name of Cllrs. William Paton, Jennifer Murnane O'Connor, John Cassin, Brian O'Donoghue, Anne Aherne (nee Long), Jim Deane, Andy Gladney, William Quinn, Michael Doran, John Pender, Fintan Phelan and Arthur McDonald.

**Proposed by Councillor W. Paton**  
**Seconded by Councillor A. Ahern**  
**AND**

Following a showing of hands it was unanimously resolved:-

*“That this Council re-affirms its support for full marriage equality for all citizens regardless of race, religion or sexuality.”*

Standing in the name of Cllr. William Paton, Jennifer Murnane O'Connor, John Cassin, Brian O'Donoghue, Fergal Browne, Andy Gladney, Jim Deane, Anne Aherne (nee Long), John Pender, Fintan Phelan and Arthur McDonald.

**Proposed by Councillor J. Cassin**  
**Seconded by Councillor A. Ahern**  
**AND**

Following a showing of hands it was unanimously resolved:-

*“That this Council calls on Kildare County Council to amend the speed limit on the R448 (Carlow Town to Prumplestown Road) to 100 km/h to bring the speed limit into line with the 100 km/h speed limit adopted by Carlow County Council.”*

**12. Any other business with the consent of the Cathaoirleach**

- Councillor Quinn requested a diary of all Members scheduled meetings to be made available to Members from the start of the new year for ease of reference.
- Councillor Paton raised issue of taking-in-charge of Pembroke Court, Carlow. The Chief Executive advised of issue with maps. A report will be prepared for the November meeting.
- Councillor Browne requested update on rating of private childcare facilities. Mr. Brophy advised re Monaghan County Council’s proposal. The Chief Executive advised that rates income from private child care facilities in County Carlow is €50,000 approx.
- Councillor Cassin raised issue of Derelict Sites and Bee visible advertising signs. Ms. O’Brien advised that it is more cost effective to have Bee visible outdoor advertising managed by SIGN Management Service.
- Councillor McDonald advised of AILG training event of 29<sup>th</sup> and 30<sup>th</sup> October.
- Councillor Quinn raised issue of commencement of planning process for the Borris Viaduct.

This concluded the business of the meeting.