

**Minutes of meeting of Monaghan County Council held in the Mtek Building,
Armagh Road, Monaghan on Monday 20th February, 2012 at 10.00 a.m.**

Chair: Cllr S. Coyle, Mayor.

Present: Cllrs Bannigan, Carthy, Carville, Conlon, Connolly, Crowe, Gallagher, Keelan, Maxwell, McElvaney, B. McKenna, McNally, McPhillips, Murray, O'Brien, O'Hanlon, P. Treanor and S. Treanor.

Mr. D. Fallon, A/County Manager, Mr. P. Clifford, Mr. D. Treanor, Directors of Service, Mr. J. Murray, Head of Finance and Ms. C. Thornton, Meetings Administrator.

Apology: Cllr S. McKenna.

At the outset the Mayor proposed a vote of sympathy with Cllr Padraig McNally on the death of his aunt Mary Hand, RIP late of Lisagoan, Kingscourt, Co. Cavan. A number of members joined in the expression of sympathy to Cllr McNally, as did the County Manager on behalf of the staff. Cllr McNally thanked all present. A minutes silence was then observed as a mark of respect.

6. Water Services – Briefing on the establishment of Water Ireland:

Mr. David Fallon, A/County Manager and Director of Water Services gave a detailed briefing to the Council on the proposals for the Reform of the Water Sector in Ireland. A copy of the position paper in relation to this reform had been circulated to each member. Mr. Fallon stated that the Minister for the Environment announced on 16th January, 2012 a public consultation process on the Establishment of Water Ireland, which closes on 24th February 2012. The Minister in his press release stated that *“The Programme for Government committed to the creation of Irish Water, a State company that will take over the water investment and maintenance programmes of the 34 county and city councils with the key aim of supervising and accelerating the significant investment needed to upgrade the State's water and sewerage infrastructure. The Programme also provides for the introduction of a fair funding model to deliver clean and reliable water with the objective of installing water meters in households and moving to a charging system that is based on use above a free allowance.*

The Programme of Financial Support for Ireland with the EU/IMF/ECB also contains a commitment to prepare proposals for implementation of the recommendations of an independent assessment of the transfer of responsibility for water service provision from local authorities to a water utility and that water charges would be introduced during the Programme period.

Within this context, the Department of Environment, Community and Local Government is now seeking views in relation to:

- *The development of an implementation plan for the public water utility. This includes issues arising from an organisational, human resources and environmental perspective in the transition to the public utility; and*
- *The proposed approach in relation to the future funding of water services including through water charges.*

Mr. Fallon stated that the establishment of Irish Water will mean the removal of water services from local government and the introduction of water charging through the installation of meters.

Mr. Fallon referred to the report prepared by consultants Price Waterhouse Cooper (PWC) who were appointed to examine two options – (i) Utility Model and (ii) Investment Company with LA delivery (copy of the report had been circulated to each member by email). The report outlined the strengths and weaknesses of the current structure; the various options considered in relation to the establishment of a new primary model and the evaluation process undertaken – Public Utility Model vs Agency Model. The Public Utility Model is based on a single Water Services Authority – commercial/semi-state – operating on a regional structure to which all local authority assets, liabilities and staff transfer. The Agency Model – a new State Agency – becomes the Water Service Authority will full responsibility for major capital projects. The PWC report recommended the Agency Model with the establishment of Irish Water.

Mr. Fallon outlined the transition phase which will run from now until 2017 when the utility will become fully operational. He stated that there are currently 50 staff directly employed in the Council's Water Service and he had no information as to whether these staff will transfer to Irish Water or be retained within the Council's service. He complimented these staff who had worked above and beyond the call of duty during the previous two winters.

Regarding compliance with the Drinking Water Regulations Mr. Fallon stated that the Council had a 99-100% compliance rate in figures released for 2010. The Council also had the third lowest rate of water leakage in the country at 27%.

The Mayor thanked Mr. Fallon for a very detailed presentation and invited the members to comment on the matter.

The following points were made by the Members:

- The local authority sector currently provides an excellent service in the provision of water and sewerage services.
- The public consultation is only a paper exercise – the decision to set up Water Ireland has been taken by Government and no amount of consultation will change that.
- The removal of the water service function from local authorities is a further diminution of the role of local government. There is no regard for local authorities any more – they are seen as an obstacle. Local councillors are being stripped of their powers.
- As water services are currently provided by the local authorities they are accountable and accessible to the public. Given the fact that the proposed

service is being removed from local authorities it will become less accountable and more costly to run and will lead to a poorer service for local communities.

- Local authorities will have less control over the provision of essential water infrastructure which will have a negative impact on provide for new major industries.
- This transfer will eventually lead to privatisation of the service.
- Group water schemes will be under attack. Further clarification is required as to the outcome for this sector.
- The experience of centralisation of services is not good in this country – take the health service for example.
- Staff employed in the water services sector need to be kept informed of all changes being rolled out which will impact on them.
- Local authorities should be represented on the board of any new authority.
- Currently the Council can give incentives to the public to enable them connect to new water/sewerage schemes – this should continue in the future under any new authority.
- Monaghan County Council’s rate for UFW stands at 27% - this will only get worse if the service is privatised.
- The new company must be semi-state and legislation must provide against privatisation at any time in the future. Members referred to what happened in Northern Ireland during the severe cold spell in winter 2010.
- The Council needs to put forward a robust case against this takeover and it should correspond with LAMA, AMAI and ACCC.

Mr. Fallon responded to the queries/comments from the members.

Proposals:

During the debate on this item, the following proposals were put forward:

Cllr Carthy proposed, Cllr B. McKenna seconded that Monaghan County Council calls on the government to refrain from its plans to establish a state-wide water utility company thus removing local accountability which will lead, in our view, to a poorer service for local communities. We accept the need for a modernisation scheme for water services but Government proposals for ‘Water Ireland’ will not fulfil that requirement.

A vote by show of hands on this proposal resulted in 18 for, 0 against, 1 abstention. The Mayor declared the motion carried.

On the proposal of Cllr McNally, seconded by Cllr Bannigan it was agreed that the Council invite the Minister for State Mr. Fergus O’Dowd, T.D., to attend a meeting of the Council to discuss the proposed transfer of the water services function to Irish Water.

On the proposal of Cllr Murray, seconded by Cllr Carville, it was agreed that in any new structure for the operation of water services in Ireland that local authorities be adequately represented on the Board of that Authority.

On the proposal of Cllr Conlon, seconded by Cllr B. McKenna it was agreed that this Council correspond with LAMA, ACCC and AMAI imploring them to oppose government proposals to privatise water services as, similar to the current threat to our Council authorities, this proposal is a direct attack on the integrity of the local authority and the services they deliver.

Cllr McElvaney proposed that if this Council is to lose the responsibility of supplying water to our consumers that the Council be paid for this product by the Department.

There was no seconder for this proposal and it was subsequently withdrawn by Cllr McElvaney.

11. Manager's Business:

Ulster Canal:

Mr. Fallon referred to the updated report in relation to this project which had been circulated to each member. He noted that there had been no response to the Council's request for further information.

Diesel Laundering:

Mr. Fallon advised the members that he had recently attended a meeting of the Joint Committee on Environment, Transport, Culture and the Gaeltacht in relation to fuel laundering and the loss of revenue to the State and its impact on the road haulage sector and retailers in the industry

12. Matters arising:

There were no matters arising out of the meeting held on 10th January, 2012.

Twinning Committee:

It was agreed that a meeting of the Twinning Committee would be held on Wednesday 29th February, 2012 at 2.00 p.m.

EirGrid presentation:

Cllr Bannigan referred to the letter from EirGrid that had been circulated to the members. He stated that he was disappointed at the tone of the letter and he would have expected that EirGrid would not have a problem with answering questions on the findings of the Independent Commission Report, ad lib, at the March Council meeting. He proposed that the Council write to EirGrid stating that any questions to be asked at the meeting on 5th March will arise out of the presentation given by EirGrid on its reaction to the findings of the Independent Commission Report on the North South Interconnector. He also stated that EirGrid be requested to specify some suitable dates for the Council's sub-committee attend the National Control Centre in Dublin.

N2 Clontibret to the Northern Ireland Road scheme:

The Mayor welcomed Deputies Heather Humphreys, Caoimhghín Ó Caoláin and Sean Conlan to the meeting and thanked them for accepting the Council's invitation to attend, at relatively short notice.

Mr. Fallon stated that a deputation from the Council had met with officials from the National Roads Authority recently in relation to securing funding for the design phase of the N2 Clontibret to the Northern Ireland Road Scheme. He explained that according to the NRA, there are 40-50 such schemes on hold at the moment due to a significant reduction in funding this year and in future years. A figure of €1.5m is required to progress the N2 scheme to route corridor selection stage and would avoid a situation where a 400m corridor would be sterilised for development purposes for the foreseeable future. A lot of work has been done on the route selection stage and it is hoped to bring a report to the Council at the April meeting. It will be necessary for the members and the Oireachtas members to lobby for the funding for this phase of the project.

On the proposal of Cllr McNally seconded by Cllr Coyle it was agreed that the Council send a vote of good wishes to Mr. Michael Egan, NRA on his forthcoming retirement.

A number of members spoke in favour of the project and called on the Oireachtas members to ensure that both Minister Hogan and Minister Varadkar are informed of the importance of the route corridor being selected so as to avoid the sterilisation of an unnecessary amount of land in the county.

Cllrs S. Treanor and Connolly stressed the importance of having a decent road structure on all main routes through the county.

Cllr B. McKenna referred to an article in the media some time ago to the effect that Deputy Conlan had lobbied An Taoiseach and the Minister for Transport not to provide funding for this road. He stated that all three deputies need to be seen to be fully supportive of the project.

At this point it was agreed that the Oireachtas members would give their contributions to the item.

Deputy Ó Caoláin said that he wished to be associated with the vote of good wishes to Michael Egan, NRA. The Deputy stated that he was fully supportive of the project and would do all he could to ensure that the funding of €1.5m would be allocated to allow the project proceed to the next phase. He would not want to see a 400m corridor being sterilised for the foreseeable future. This project is equally about the people of Donegal and Derry and the county has a role to play in them getting good access to the rest of Ireland – it would be unfair to have a high quality road north of the border and a second class route south of it. He said he had also lobbied the NRA to have signage for Monaghan erected at Junction 14 on the M1 motorway.

Deputy Humphreys concurred with the sentiments expressed by Deputy Ó Caoláin and stated that she had flagged the route selection with Minister Varadkar last year.

She will do everything in her power to secure funding for the corridor selection. She had recently chaired a meeting in Dail Eireann in relation to this project which had been attended by a number of politicians and officials from both sides of the border.

Deputy Conlan stated that he did not want to see a 400m sterile corridor through North Monaghan and he fully understands the importance of upgrading the N2/A5 road. However, it was his view that the development would have an adverse impact on Monaghan Town and he questioned the wisdom of proceeding with the project during the current recession when the funding required is not available. He was also aware that there was no funding allocated for the upgrading of the stretch of road from Lifford to Letterkenny in Donegal. He stated that he would like to see the County Council developing the road structures between Monaghan/Armagh/Belfast and the Carrickmacross/Culloville and Castleblayney/Keady routes as this would assist the development of local industry.

Following the contributions by the three deputies, a number of members expressed regret that there was not unanimous support for the project from the three T.D.'s. They felt that it was not acceptable that the Council would be asked to indicate a 400m corridor for the project in the new County Development Plan. The Members wished the three deputies to work together to ensure that the €1.5m funding is allocated to ensure that the next phase of the project proceeds to avoid the sterilisation of a large corridor of land through North Monaghan.

Cllr McElvaney stated that he would do all he could to convince Deputy Conlan to change his mind and that his colleagues would do likewise.

The Mayor again thanked the three T.D.'s for attending and for their input into the debate and he asked them to do everything they could to ensure that the funding is allocated for this project. He understood that the North South Ministerial Council is looking at the whole project in it's entirety and will report back on the matter at its Spring session.

Votes of Sympathy/Congratulations:

It was agreed that the sympathy of the Council be extended to the following:

- The wife and family of the late Kieran Finlay RIP, Knocknamaddy, Ballybay.
- Josie Cusack, a member of the Council's staff on the death of her mother-in-law, Annie Cusack, RIP, Carn, Smithboro.
- Noel Breakey, a member of the Council's Council staff on the death of his father, Victor Breakey, RIP, 78, Tully, Monaghan.
- Maria McKenna, a member of the Council's Council staff on the death of her aunt, Rose Watters RIP, formerly of Lisdungormal, Clontibret.
- The wife and family of the late Pat Beagon, RIP, Drumlinney, Stranooden.
- Catriona Lennon, a member of the Council's Council Staff and Cllr Aidan Boyle, Cootehill Town Council on the death of their cousin, Cyril Boyle, RIP Cootehill.

The meeting then concluded