

Minutes of Adjourned Meeting of Monaghan County Council held in Mtek Building, Knockaconny, Armagh Road, Monaghan on Monday 16th January 2006, at 10 a.m.

Chair: Cllr P Treanor, Mayor

Present: *Cllrs Bannigan, Carville, Conlon, Coyle, Crowe, Gallagher, Humphreys, Keelan, Keenan, Kieran, Martin, McAnespie, McElvaney, P. McKenna, B. McKenna, McNally and O'Brien.*

Mr. D. Nelson, Co. Manager, Mr. M. Fitzpatrick, Mr. P. Clifford, Mr. D. Fallon, Directors of Service, Mr J. Murray, A/Head of Finance, Mr. P. Johnson, Senior Engineer, Mr. S. Grogan and Ms. M. Smyth, Bypass Office, Ms C. Thornton, Meetings Administrator and Ms. P. O'Brien, Staff Officer

Apology: Cllrs Carthy & Maxwell

Vote of Sympathy:

On the proposal of Cllr McElvaney, seconded by the Mayor, it was agreed that the sympathy of the Council be extended to Cllr Peter Mulligan, Clones Town Council, on the death of his brother Gerry, whose funeral was taking place later that morning in Navan.

All present associated themselves with the vote of sympathy which was marked by one minute's silence.

12. Matters arising:

The issues raised by the Members arising out of the minutes of the December Council meeting were responded to by Mr. D. Fallon, Director of Services.

In response to a query from Cllr McElvaney in relation to dumping of waste in Monaghan town over the Christmas period, the County Manager replied that the waste was not dumped but stockpiled by the Town Council on its own property. This arose as a result of an unprecedented amount of litter being collected by Town Council staff over the holiday period. As the landfill was closed it was decided to store the waste at the Council yard off Old Cross Square for a short period.

The County Manager commended the Town Council staff for their dedication and commitment in collecting litter over the holiday period. A number of members joined in the tributes paid by the Manager and extended these to all local authority staff in the county who turned out in a number of areas over the holiday time.

14. Notices of Motions

Cllr Seamus Coyle proposed, Cllr Bannigan seconded

- (a) "That Monaghan County Council immediately upgrade the sewerage scheme at Latton, as the current system is continually causing problems"

In proposing the motion Cllr Coyle stated that the current system has been in place for over 20 years and is not capable of dealing with existing developments. He acknowledged the fact that whilst the situation had improved slightly over the past six months it was imperative that a permanent solution be put in place. A number of members spoke in favour of the motion which was put to the Council and agreed.

Mr. P. Clifford, Director of Services stated that the Council had put a temporary arrangement in place at this location and that a permanent solution to this problem will emerge in the context of the review of the County Development Plan.

- (b) In the absence of Cllr Carthy, Cllr Keelan proposed, Cllr Conlon seconded and it was agreed that Notice of Motion (b) be deferred to the February meeting.

Cllr Robbie Gallagher proposed, Cllr Kieran seconded

- (c) "That the Council pursue with the government the need for a tax incentive business development scheme in the interests of attracting new businesses to the county?"

In proposing this motion Cllr Gallagher stated that the Government should be approached with a view to recognising Monaghan as a location for new hi-tech jobs. Indigenous industry was suffering and new investments were needed for the county. No other county has suffered as much as a result of the Northern Ireland troubles. A number of members spoke in favour of the motion referring also to the fact that industries such as agriculture, furniture and mushroom production were under threat in the county. The motion was agreed unanimously.

Cllr Seamus Coyle proposed, Cllr Crowe seconded

- (d) "That Monaghan County Council seek a meeting with IDA Ireland to discuss the investment and development agency's record of job creation in County Monaghan and to have the County prioritised by the agency for future investments."

In proposing the motion Cllr Coyle stated that a new window of opportunity had been opened for the IDA in Co. Monaghan in view of the various infrastructural developments throughout the county. It was now time that the county was marketed in a positive manner. A number of members spoke in favour of the motion.

Cllr Bannigan proposed an amendment which was seconded by Cllr McElvaney

“ That the Council also seek a meeting with the Minister for Enterprise Trade and Employment and Enterprise Ireland in the matter ”

The County Manager agreed with the Members and stated that the IDA had highlighted that Monaghan was a hub town under the new spatial strategy and was an area they intended to concentrate on. He also stated that Monaghan Town Council had offered the IDA six acres of land for a new business park at O’Neills Farm as there was a great need for hi-tech industry in the county.

Cllr Coyle accepted Cllr Bannigan’s amendment and the substantive motion was put to the meeting and unanimously agreed.

It was agreed on the proposal of Cllr Keenan seconded by Cllr Keelan that the Council set up a cross party working committee to pursue this matter and also to pursue a tax incentive business development scheme for the county.

It was also agreed that Mr. John McEntegart CEO, County Enterprise Board would be invited to address the Council at the March meeting.

- (e) In the absence of Cllr Carthy, Cllr Keelan proposed, Cllr Crowe seconded and it was agreed that Notice of Motion (e) be deferred to the February meeting.

Cllr. Conlon proposed, Cllr B. McKenna seconded

- (f) “ That Monaghan County Council calls on the Government to:
- retain the national airline, Aer Lingus, in State ownership;
 - invest in Aer Lingus as required on the basis of a business plan to secure the future of the airline, given that there is no impediment under EU competition rules to such investment; and safeguard the employment, pay and conditions of all Aer Lingus workers.

Following a debate on the motion a vote by show of hands resulted in 6 for 10 against. The Mayor declared the motion defeated.

Cllr Treanor proposed, Cllr B. McKenna seconded

- (g) “That Monaghan County Council supports the call by former Monaghan Town Councillor, Owen Smyth, for an independent inquiry into the circumstances concerning his arrest, detention charging and the Gardaí handling of the surrounding incidents in 1991.

Following a debate on the motion a vote by show of hands resulted in 7 for 9 against. The Mayor declared the motion defeated

Cllr Noel Keelan proposed, Cllr McNally seconded

- (h) “That Monaghan County Council in conjunction with our Fire Service and in consultation with the HSE examine the possibility of having defibrillators available to every fire station in the county.”

In proposing the motion, Cllr Keelan stated that the Fire Service was on call at all times and would be well placed in each of the five towns in the county to facilitate the location of defibrillators. Cllr McNally stated that it the operation of these appliances might put extra pressure on fire crews. He proposed that the HSE should be asked to provide these items in centres of major public use.

Following further debate it was agreed to write to the HSE to seek funding in the matter.

On the proposal of Cllr Carville, seconded by Cllr P. McKenna it was agreed to write to the Minister for Justice, Equality and Law Reform to introduce as a matter of urgency legislation to indemnify persons who come to assist people in need of immediate emergency help with defibrillators – the ‘Good Samaritan Act’

Cllr Pat McKenna proposed, Cllr McAnespie seconded

- (i) “That Monaghan County Council relocate the play area for children at Cois Locha, Emyvale, which is located adjacent to the old people’s housing estate and has become a place for teenage drinking, partying ”

In proposing the motion Cllr McKenna stated that there were 8 old people’s dwellings close to the play area and the residents were frightened due to the activities of young people who congregate in the play area in the early hours. Cllr McAnespie called for CCTV to be erected and that area be fenced off immediately. A number of members spoke in favour of the motion and referred to the fact that there was no longer a Garda presence in the village after hours. They called on the Housing Section to liaise with the Garda Siochana in the matter with a view to identifying the people involved in the disturbances.

Mr. M. Fitzpatrick, Director stated that the Estate Management Officer is currently investigating the matter and a report will be prepared.

Cllr Pat McKenna proposed, Cllr McAnespie seconded and it was agreed

- (j) “That Monaghan County Council put more thought into where play areas are located in any future housing developments”

Ethics & Political Donations Declarations.

The Meetings Administrator advised the Members that they had been circulated with forms for completion by them under the Ethics Regulations and Political Donations

Regulations. She also stated that the dates by which these forms should be returned are 31st January 2006 in respect of the Political Donations Declaration and 28th February 2006 in respect of the Ethics Declaration. She requested the co-operation of the Members in ensuring that the declarations were submitted on time.

Castleblayney and Carrickmacross by pass schemes

Mr. D. Fallon, Director of Services circulated detailed reports on the current position in relation to land acquisition on both the Castleblayney and Carrickmacross bypass schemes.

Castleblayney: Total number of cases 114

- 33 cases settled of which 30 are paid and 3 with 10% deposit paid
- 16 cases settled – Monaghan County Council awaiting return of signed agreement from landowners
- 7 cases with no claims – mostly roadbed
- 58 cases under negotiations, analysed as follows
 - 10 are roadbed only
 - 4 residential
 - 43 agricultural
 - 1 amenity property

Carrickmacross: Total number of cases 79

- 54 cases settled of which 53 are paid and 1 10% deposit paid
- 13 cases settled of which 1 was settled out of Statutory Arbitration and 1 settled prior to IFA Assessment. Signed agreements awaited by Council on the remainder.
- 3 cases with no claims
- 4 cases listed for IFA assessment – awaiting dates
- 2 cases referred to Statutory Arbitration
- 3 cases under negotiations

A debate followed during which the Members raised the following issues

- The Notice to Treat for the Castleblayney bypass was served in September 2003 but offers were not made until early 2004
- The bypass will have major implications for landowners in the Annyalla/Castleblayney areas – farms will be divided and devalued.
- Design of scheme agreed after Notice to Treat was served
- Comparable values of land are not realistic.
- Landowners not treated in an acceptable manner – no recognition for the fact that some may have lost their livelihood in cases where their land was divided by the new road.

- First offers made to landowners were deplorable – only one-third of the value of their claim.
- 2+1 design leads to greater inconvenience for some landowners and they should be compensated for this.
- More money needs to be offered where there is site potential
- Road levels not known and no drainage plan available so accommodation works cannot be finalised.
- Agreements will not be forthcoming unless there are increased offers
- Councillors were not kept informed of developments.

On the proposal of Cllr Bannigan, seconded by Cllr Carville it was agreed that the Council's Valuers would be requested to give a little more of an incentive to landowners in order to finalise outstanding claims.

Mr. D. Fallon responded to the issues raised by the Members, as follows:

- The Council had tried to keep the Members informed.
- Those landowners who made claims had received offers from the Council.
- Compensation offered to landowners takes into account the greater level of inconvenience as a result of the 2+1 design.
- The Council must stay within the CPO – enough land has been secured to meet the 2+1 design.
- Comparable values are being used – this is within the competence of the Valuer
- In relation to the drainage plan there is no significant change from the Design & Build indicative design
- In relation to the legal opinion being sought by the Members the Council had sought their own legal advice in the matter – if the Court rules in the matter the Council will abide by the decision.

The County Manager stated that the reports circulated did not show the full extent of the work which has gone into this project, massive staff time has been spent on this issue. Final offers will be made now to landowners, if no agreement is forthcoming the Council will go through the IFA assessment process and then to arbitration if necessary. The date of service of the notice to treat is the date from which compensation becomes payable. If the legal opinion being sought by the Members states differently then the Council will have to pay the additional funds out of their own resources.

Signed: _____
Meara

Meetings Administrator

Date: _____
