

**Minutes of Meeting of Monaghan County Council held in Mtek Building,
Knockaconny, Armagh Road, Monaghan on Tuesday 3rd January 2006, at 10 a.m.**

Chair: Cllr P Treanor, Mayor

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

Mr. D. Nelson, Co. Manager Mr. M. Fitzpatrick and , P. Clifford Directors of Service, Mr J. Murray, A/Head of Finance, Mr Toirleach Gourley, Senior Executive Planner, Ms C. Thornton, Meetings Administrator, Ms. P. O'Brien, Staff Officer and Ms A. Mackle, A/Staff Officer..

1. Confirmation of Minutes:

On the proposal of Cllr B McKenna, seconded by Cllr Keenan it was agreed that the Minutes of Council Meeting held on Monday 5th December, 2005, be confirmed.

2. Correspondence:

The following correspondence was circulated to Members:

- Letter from HSE acknowledging receipt of dated 26th October to Prof Brendan Drumm regarding Monaghan General Hospital and stating that they had no record of previous correspondence from Monaghan County Council.
- Letter from HSE relating to the CT Scanner for Monaghan Hospital and stating that the requested report is not available for general circulation to any other organisation lists.
- Letter of acknowledgement from Professor Brendan Drumm, HSE re: seeking sending a deputation to meet with him. His response was that he would not meet with a deputation because regional health forums have been established to deal with such matters.
- Letter from department of Communications, Marine and Natural Resources in relation to a resolution passed by Monaghan County Council for the protection of coarse fish. He stated that the Central Fisheries Board are reviewing course fishing policy in Ireland and their report should be completed by March, 2006.
- Letter from the Department of Arts, Sport and Tourism re: letter to Mr. John O'Donoghue TD relating to the Ballybay Wetlands Project
- Letter from Donal Hall, Customs, and re: meeting with Monaghan County Council to discuss diesel laundering.
- Letter from Peterborough St. Patrick's Day Parade Committee re: Invitation for Mayor Pat Traynor and a delegation from Monaghan County Council to take part in the annual St. Patrick's Day parade.

- Report circulated by Housing Section re: Section 183 of the Local Government Act, 2001 proposing to dispose of lands at Cloughvalley, Carrickmacross
- Letter from Department of Health and Children re: Health Act 2004 and the establishment of four Regional Health Forums. The make up of these forum includes 3 nominated members from Monaghan County Council
- Letter from Chris Lyons regarding Monaghan General Hospital – Acute Surgical Services

Ballybay Wetlands project:

Cllr Bannigan informed the Members that Failte Ireland were refusing to accept the indemnity given by the Council in support of the Ballybay Development Association's application in relation to the Wetlands project. He called on Minister O'Donohoe to intervene in the matter and make sure that Failte Ireland took onboard the Council's decision.

On the proposal of Cllr Bannigan, seconded by Cllr Coyle it was agreed to write to Failte Ireland requesting that they meet a deputation from the Council to discuss the grant application from Ballybay Development Association in respect of the Wetlands project.

In relation to the response from Minister O'Donohoe declining to meet a deputation from the Council as he had already met with Senator O'Brien on the matter, Cllr McElvaney stated that under no circumstances should a political delegation take precedence over a local authority delegation.

On the proposal of Cllr McElvaney, seconded by Cllr Crowe it was agreed to write to Minister O'Donohoe requesting a meeting in relation to Ballybay Wetlands.

Monaghan Hospital

A number of members requested clarification in relation to a reference in correspondence from the HSE that previous correspondence from the Council had not been received. Meetings administrator Carmel Thornton had said that the Council had written to the offices of the HSE at the address given on their website. They had subsequently discovered that Professor Drumm was based in a Dublin office. However, there appeared to be an anomaly in the HSE letters as a letter dated referred to letters not having been received but by letter dated 14th December it stated that "your previous correspondence was referred to Mr. Pat McLoughlin, Director, National Hospitals Office for attention".

The Mayor stated he would permit a discussion to take place later in the meeting under item 5 on the agenda – nomination to Regional Health Forum Dublin and North East.

CT Scanner

The Members noted with disappointment the response from Chris Lyons, Hospital Network Manager, HSE North advising that the report on the provision of CT services was not available for general circulation to the Council.

On the proposal of Cllr Carthy, seconded by Cllr Maxwell it was agreed that the Council seek the Regional Procurement Group Report under the Freedom of Information Act.

3. Section 183 – Disposal of Land at Cloughvalley, Carrickmacross

On the proposal of Cllr Keenan, seconded by Cllr McNally, it was agreed that the disposal of 40.5m² at Cloughvalley, Carrickmacross, Co Monaghan to Auguston & Teresa Carolan for the sum of €184.00 in accordance with notice dated 19th December, 2005 under Section 183 of the Local Government Act, 2001 be approved.

4. To nominate Members to Monaghan Leisure Centre Management Committee

The Manager advised the Council that as had been agreed at a previous meeting that the Mayor and three members from both the County Council and the Monaghan Town Council would form the Management Committee for the Monaghan Leisure Centre. The following were nominated and agreed.

*On the proposal of Cllr McElvaney, seconded by Cllr Bannigan, it was agreed that **Cllr P. McKenna** be nominated to sit on the Monaghan Leisure Centre Management Committee.*

*On the proposal of Cllr B. McAnespie, seconded by Cllr Conlon, it was agreed that **Cllr B. McKenna** be nominated to sit on the Monaghan Leisure Centre Management Committee.*

*On the proposal of Cllr McNally, seconded by Cllr Gallagher, it was agreed that **Cllr Coyle** be nominated to sit on the Monaghan Leisure Centre Management Committee.*

Cllr McElvaney proposed, Cllr Bannigan seconded that Cllr Martin be nominated as a fourth member.

The Manager stated that as the Town Council had already agreed that the Mayor and three members of both Councils would make up the Management Committee for the Monaghan Leisure Centre and he would have to consult with them before the proposal to nominate a fourth member could be agreed. He would revert back to the Council at the February meeting.

5. To nominate 3 Members to the membership of the Regional Health Forum, Dublin and North East.

*On the proposal of Cllr P. McKenna, seconded by Cllr Carville, it was agreed to nominate **Cllr McElvaney** to the Regional Health Forum.*

*On the proposal of McAnespie, seconded by Cllr Crowe, it was agreed to nominate **Cllr Brian McKenna** to the Regional Health Forum.*

On the proposal of Cllr Coyle, seconded by Cllr Gallagher, it was agreed to nominate Cllr McNally to the Regional Health Forum.

Cllr Martin read a quote from the Northern Standard newspaper that had stated that Dr. Rory O'Hanlon TD had given an assurance that Monaghan General Hospital would remain open and continues to deliver acute services to the people of Monaghan. He appealed to Fine Gael and Sinn Fein not to elect any Fianna Fail members onto this forum and proposed Cllr John Keenan and Cllr Noel Keelan as alternatives to the Fianna Fail place on the forum. He referred to the fact that the present Government had failed us miserably in relation to the provision of health services. There was no seconder for Cllr Martin's proposal.

Cllr Martin asked for an adjournment to a later date so that a proper discussion on the issue could be carried out.

On the proposal of Cllr B. McKenna, seconded by Cllrs McElvaney and McAnespie, it was agreed to write to the Minister of Health asking that Community and Voluntary sectors be allowed representation on the Regional Health Forum.

Cllr McElvaney said that he had difficulty with Monaghan being linked in with Dublin, as well as Louth, Meath and Cavan in the Eastern Regional Health Forum as the numbers being nominated from the Dublin authorities would almost equal those from the other local authorities in the region. He referred to the fact that the surgical ward at Monaghan Hospital had been transferred to Cavan and this didn't auger well for the future of the hospital.

Cllr McNally said that he and other members of Fianna Fail had met with Junior Minister Brian Lenihan early in December and there had been a frank discussion on the hospital issue. They had also been told that an application for funding for a CT scanner for Monaghan General Hospital had not been made. He acknowledged the efforts of the cross party Council members on the former health board for their commitment towards the hospital campaign.

6. Adoption of Monaghan County Council Environmental policy – (Water Services) as agreed by the SPC

Mr Paul Clifford, Director of Services, stated that the Council were actively striving to enhance the local environment, improve the health and well being of the local community and reduce the negative impact that they have on the environment year by year. The Council would be implementing a new Environmental Management System as part of its aim to attain ISO14001 accreditation.

On the proposal of Cllr McNally, seconded by Cllr McElvaney, it was agreed to adopt the Environmental policy statement for Water Services as recommended by the Strategic Policy Committee.

7. To discuss the Housing Shared Ownership Scheme

Mr Michael Fitzpatrick, Director of Services outlined the criteria relating to the Shared Ownership Scheme and explained to the Council how the scheme operates. He stated that there is little demand for this scheme - only three applications have been received since September, one of which has been approved. The maximum loan that can be considered is €165,000.

Following a discussion on the matter the following resolution was passed -

Cllr McNally proposed, Cllr Carthy seconded that the Council write to the Department of the Environment requesting that the Housing Shared Ownership Scheme mortgage loan be increased from €185,000 to €250,000 and that the income limit be raised to between €50,000 and €60,000.

Cllr Humphreys proposed an addendum that the Department be also requested to review the system for calculating the rented equity element of the shared ownership loan as currently this is similar to having a second mortgage.

Cllr McNally accepted the addendum and the substantive motion was agreed.

Mr. Fitzpatrick then responded to a number of queries from Members in relation to the scheme.

8 To consider allocation of Conferences Budget 2006

Cllr B. McKenna proposed, Cllr Conlon seconded that the money provided in the Budget 2006 for attendance at conferences be divided equally among the twenty members.

In proposing the motion Cllr B. McKenna stated that this was the fairest way to deal with the allocation of the budget and that the budget must be spent on attendance at conferences only – any unexpended money may be carried over to the following year.

Cllr McNally proposed, Cllr Coyle seconded that €10,000 of the Conference budget be ring fenced until 1st November to allow for attendance at conferences in the months of November and December.

Cllr McElvaney proposed that the status quo remain but agreed with Cllr McNally's proposal which would allow for attendance at conferences organised by LAMA, General Council and AMAI which may occur at this time of the year.

The Mayor stated he was putting the proposals to the meeting.

Cllr B. McKenna's proposal – allocation of conference budget:

Cllr Conlon called for a roll call vote which resulted as follows:

For *Cllrs Carthy, Conlon, Crowe, Keelan, Kierans, McAnespie, B., McKenna P, Treanor.* **Total 8**

Against: *Cllrs Bannigan, Coyle, Gallagher, Humphreys, Keenan, Martin, Maxwell, McElvaney, McKenna P., McNally.* **Total 10**

Cllr McNally's proposal – ringfencing of €10,000

Cllr McElvaney called for a Roll Call vote which resulted as follows:

For *Cllrs Bannigan, Carthy, Conlon, Coyle, Crowe, Gallagher, Humphreys, Keelan, Keenan, Kierans, Martin, Maxwell, McAnespie, McElvaney, McKenna B., McKenna P., McNally, Treanor.* **Total 18**

Against: *Nil*

9. To receive minutes of meetings of the following Committees

- (i) On the proposal of Cllr Treanor, seconded by Cllr Carthy, it was agreed that the minutes of the Coiste Gaeilge, held on 22nd July, 6th September & 7th October, 2005, be noted.*
- (ii) On the proposal of Cllr Treanor, seconded by Cllr Humphreys, it was agreed that the minutes of the Coiste Logainmneacha held on 22nd July, 19th Aug, 23rd Sept & 21st October, 18th November, 2005, be noted.*
- (iii) On the proposal of Cllr B McKenna, seconded by Cllr P McKenna, it was agreed that the minutes of the Local Monitoring Committee held on 1st June, 4th October & 7th November, 2005, be noted.*
- (iv) On the proposal of Cllr Kieran, seconded by Cllr Carthy it was agreed that the minutes of the Local Traveller Accommodation Consultative Committee held on 5th October, 2005, be noted.*
- (v) On the proposal of Cllr Humphreys, seconded by Cllr Keenan it was agreed to receive the report circulated from meeting with Oireachtas Members on 10th October, 2005.*

Cllr McElvaney stated that he felt that the meeting with the Oireachtas members had been of no real benefit to the Council. The County Manager advised that since the ending of the dual mandate there was a legal obligation to meet with the Oireachtas members.

10. East West Link – (Border Regional Authority minutes – circ. 17/10/05)

Cllr McElvaney referred to the Border Regional Authority minutes that had been circulated which showed that this Council's members who were present at that meeting had not objected to the route being recommend by the Authority – ie a route from Dundalk – Carrickmacross – Cavan – Enniskillen - Sligo. He said that a route including Dundalk, Castleblayney, Ballybay, Clones, Lisnaskea and Enniskillen was what the Council wanted

to achieve. No one had objected to at the BRA meeting and now this issue was set in stone.

Cllr McNally said that as long as the Councillors disagreed with the proposed route, it would never happen. It was not cast in stone. He pointed out that, as the proposal was not to build a new road but to upgrade the existing road.

Cllr B McKenna referred to minutes of a meeting of the BRA in 1999 which stated that the route had been decided and adopted. He said that at a meeting with Michael Tobin, Mr Tobin had said that until both Councils had agreed on a route there would be no East West link. Cllr B. McKenna went on to say that the Government had not included it in their 21st Century Roads policy; both they and the NRA would not include it because they were waiting for local approval. He said that the route was not set in stone and that it was very important that the Members of the Council realised this. He hoped that Monaghan County Council and Cavan County Council would meet with consultants to get this project underway.

Cllr Coyle said that the preferred route had included Ballybay and Clones. He proposed that the Council seek a meeting with Fermanagh District Council in relation to this project. This was agreed

The Manager said that they had written to the NRA on the matter after the November meeting and that he would circulate a copy of the reply he had received.

URGENT BUSINESS:

The Mayor referred to the Notice to deal with Urgent Business in the name of Cllrs Carville, McElvaney and Bannigan as follows:

“ That the Council allow time to discuss the Castleblayney by-pass.

It was agreed to discuss this Urgent Business

Cllr Bannigan said that the IFA delegation in May had stated concern that the value of land would be based on the 2003 Notice to Treat. The compensation looked at the value of the land in 2003 and not the current value. Agreements had been made for two months but as yet the relevant files had not been forwarded to the valuers. It is absolute essential that these files are forwarded immediately. The Council will not get good will towards the multi-million Castleblayney by-pass developments if steps are not taken to resolve landowner's compensations claims. People will go to arbitration and there will be no good will towards the contractors. There is a militant mood among the landowners; a public meeting has been arranged for next Monday therefore substantial progress must be made in this matter. He called on the County Manager to instruct the Council's Valuer to ensure that substantial progress is made this week to ascertain the value of the site potential in advance of that meeting. Cllrs Crowe and Coyle joined in the sentiments expressed by Cllr Bannigan.

Cllr Martin requested that the instructions to Mr. Pat Butler, S.C. which he had forwarded to the Manager, in relation to the relevant date for compensation in relation to CPO land acquisition, be circulated to each member.

Cllr McNally said many landowners have yet to be paid even though the Carrickmacross bypass is now opened for a year. A number of landowners had not agreed the terms on offer but he knew a number of landowners who had accepted the offer and as yet had not received payment. There was an area of land forcibly fenced off that was not needed and he was adamant that this land is sold back to the landowner. Some landowners have been seriously let down by the arbitration process, some with compensation claims were frustrated into signing or signed out of necessity. Only about 10% were happy with the process. He said that he hoped that Castleblayney would learn from the Carrickmacross experience.

The County Manager said that he was not aware that this issue was to be raised and that he did not have up to date statistics in relation to the various agreements. He stated that some of the original offers did not take account of land development potential. Some people had yet to submit claims, they were presumably awaiting what the highest common denominator would be. The Council had met with landowners up to seven times in some cases and as they dealt with one issue another would crop up. There have been many difficulties put in the way of the Council by landowners. Some people have refused to take their payment cheques from the solicitors. The Council has to work within Government Policy and parameters laid down by the NRA. There have been cases which have proceeded to arbitration but have been pulled at the last minute. The Manager asked Cllr McNally to put forward individual grievances cases and that he would look at them. He went on to say that there is no beneficial reason for not paying out cheques and that he would prepare a full report on the matter for the February agenda. He said that he would also highlight some of the problems the Council had to deal with.

Cllr Bannigan said that it would be too late to deal with the matters he had referred to - the Council needed to get its files to the Valuer this week so that the valuer could get back to the farmers.

Hope Castle Estate:

In response to a query from Members in relation to the fire at the Annex, adjacent to Hope Castle, Castleblayney, the Manager said that the Council does not have control over the Muckno estate as it has been leased to Harrinbrook. It is a requirement that the lessee insure all property. He said that he was still waiting for a date for the High Court hearing in relation to the Harrinbrook issue.

13. Questions

Cllr Padraig McNally asked:

- (a) *“What plans are in place for the upgrade of the road between Ballykelly and Ballymackney better known as regional road 178?”*

This question is related to one asked by Cllr Noel Keelan at the December Council meeting.

There are no definite plans at present to upgrade the Regional Road R178 between Ballykelly and Ballymackney. Such a scheme will require inter-county co-operation with Louth County Council. It is intended to have a meeting between officials from both counties early in the New Year with a view to carrying out work in 2007 or 2008. The whole project would cost in the region of €20m and will need Department of the Environment, Heritage and Local Government funding.

- (b) *“When does this Council plan to erect public lighting on the link road between the Dundalk road and the Ardee road?”*

Monaghan County Council has the ducting and bases in place for this lighting and are currently waiting for the ESB to erect the lights.

- (c) *“When does this Council expect to start work on the final phase of the Industrial link road?”*

The Council’s Consultants are currently working on finalising the design. It is hoped to go to planning in early 2006. The Council has included this scheme in its application to the Department of the Environment for funding in 2006.

- (d) *“What plans has this Council got to extend the footpath and public lighting on the Kingscourt Road (Regional 179 Carrickmacross) as was intended following the widening of same?”*

It is hoped to extend the footpath out to Bog-town lane to tie in with the current pedestrian route back up to the Lurgans.

- (e) *“What is the position as of today regarding the Bawn Local Authority Housing Development?”*

The contract has been awarded to Tonagh Builders. Construction is expected to commence in January subject to the necessary insurance etc., being in order.

Cllr Gary Carville asked:

- (f) *“What progress is being made in relation to the provision of a footpath between the Council Housing Scheme An Corrain and the nearby shop at Oram and does the Council fully recognise the important safety aspects of this need?”*

The County Council has always been aware of the safety aspects of the provision of a footpath in this area. Negotiations have been ongoing and extensive over the last few months and agreement has been reached in the purchase of land, sufficient to provide a footpath linking the existing footpath to the shop. It is proposed to carry out these works once the legalities have been finalised in the New Year.

Cllr Noel Keelan asked:

- (g) *“When will the Draft Development Plan for the County be ready for public display? What form of public consultation will be afforded to those who wish to make an oral or written submission?”*

The “draft” Development Plan will be discussed by the members of the Development Plan Sub-committee in mid-January 2006, who will then seek a Special Meeting of the Council to consider the draft Plan. In accordance with sections 11 and 12 of the Planning and Development Act 2000, following consideration by the members, the Council shall within 2 weeks send a copy of the draft Plan to the Minister and prescribed bodies and publish notice in one or more newspapers, inviting written submissions. Copies of the draft Plan must be available for inspection for a period of not less than 10 weeks.

It is the intention of the Planning Department to host a series of public meetings in each of the towns and weekly clinics in the Planning Office during this period. Written submissions received during this consultation period will be assessed and presented in a report to the members for their consideration before their adoption of the final Development Plan.

- (h) *“What is the policy of Monaghan County Council in relation to shop-front signage? What action has our planning enforcement section taken against those who are not complying with Council policy?”*

Monaghan County Council’s policy in relation to shop-front signage is detailed in Section 4.5.6 (Page 35) of the County Development Plan 1999. Where unauthorized developments come to the attention of Monaghan County Council, the provisions of the Planning and Development Act, 2000 relating to planning enforcement are applied.

14 Conferences

It was agreed that the Council would be represented at the following conferences by the Members indicated:

Conference Budget 2006	€136,500
Expenditure to date	€ Nil
Balance remaining	€136,500

Promoting Authority	Subject/Theme	Venue	Dates	Approx. cost Per member	Members Selected
UCC Commerce Society	"Ireland – The Land of Opportunity" But can we compete in the Global Market?	Clarion Hotel, Cork	19 th January 2006	€970	Vincent P Martin John O'Brien Padraig McNally David Maxwell Pat McKenna Hugh McElvaney
Clare Tourist Council & Antrim Borough Council	How To Make Tourism Work for You	Dunadry Hotel & Country Club, Dunadry, Co. Antrim	3 rd & 4 th February 2006	€520	Owen Bannigan Pat McKenna Hugh McElvaney
AMAI	Spring Seminar 2006	Clanree Hotel, Letterkenny	10 th & 11 th February 2006	€510	Pat Treanor Robbie Gallagher Seamus Coyle Heather Humphreys John Keenan Owen Bannigan
Mid-West Regional Authority	12 th Annual Conference	Temple Gate Hotel, Ennis, Co. Clare	16 th & 17 th February 2006	€670	Brian McKenna Vincent P Martin Seamus Coyle Padraig McNally John Keenan Owen Bannigan

16. Votes of Sympathy / Congratulations

The Members agreed to extend a vote of congratulations to

- Cllr Matt Carthy and his partner Lynn on the birth of their son.

The Members agreed to extend a vote of sympathy to

- Alan Hall, Area Engineer on the death of his Aunt Jesse Reid
- Pat Mc Guirk, Carrickmacross Traffic Warden and family on the death of his wife Fiona.
- Cllr Jackie Crowe on the death of his brother-in-law Christopher Carr.
- Bishop Joseph Duffy and the people of Clontibret on the death of Fr. Brendan Kieran CC.

