

Minutes of Meeting of Monaghan County Council held in the Council Chamber, Mtek Building, Monaghan on Tuesday 8th July, 2014 at 10.00 a.m.

Chair: Cllr Pdraig McNally, Cathaoirleach

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

Mr. E. Cummins, Chief Executive, Mr. P. Clifford and Mr. A. King, Director of Services, Mr. J. Murray, Head of Finance, Mr. J. McGrath, Senior Engineer, Ms. F. Matthews, Senior Staff Officer and Ms. C. Thornton, Meetings Administrator.

1. Confirmation of Minutes

- (i) On the proposal of Cllr Crowe, seconded by Cllr P. Treanor it was agreed that the minutes of the Council meeting held on 6th May, 2014, be confirmed.*
- (ii) On the proposal of Cllr Coyle, seconded by Cllr Maxwell, it was agreed that the minutes of the Special Council meeting held on 26th May, 2014 be confirmed.*
- (iii) On the proposal of Cllr McElvaney, seconded by Cllr Bannigan, it was agreed that the minutes of the First Meeting of the newly elected Council held on 23rd June, 2014, be confirmed.*

2. Correspondence.

The following correspondence was circulated with the agenda:

- Letter from the Minister for Transport Tourism and Sport, in relation to an extension of the vehicle heights derogation (SI 366 of 2008)
- Letter from the Minister for Transport Tourism and Sport advising of the non availability of Interreg IV funding for Ballinacarry Bridge realignment project.
- Letter from the Minister for Transport Tourism and Sport, in relation to funding for the improvement and maintenance of the regional and local road network.
- Letter from the Minister for Transport Tourism and Sport regarding the 2014 regional and local roads allocation.
- Letter from the Minister for Social Protection advising that there are no plans to revise the current criteria for the Farm Assist Scheme.
- Letter of acknowledgement from the Minister for Finance in relation to the Council's resolution regarding commercial rates.
- Letter from the Minister for Finance in relation to the application of VAT on sales of bottled water.
- Letter from the Committee of Public Accounts advising that EirGrid Plc is outside the remit of the PAC.
- Letter of acknowledgement from the Department of the Environment, Community and Local Government regarding the siting of power lines and referring the matter to the Minister Communications, Energy and Natural Resources.

- Letter of acknowledgement from the Minister for Public Expenditure and Reform in relation to the national contribution to Pillar II of the Rural Development Programme.
- Letter from the Minister for Public Expenditure and Reform in relation to the Council's resolution seeking the exemption of all educational and childcare facilities from commercial rates.
- Letter from Mr. Pat Rabbitte, T.D., Minister for Communications, Energy and Natural Resources in relation to the North South Interconnector project.

The following correspondence was circulated at the meeting:

- Circular Fin 08/2014 – Guidance associated with Local Property Tax (Local Adjustment Factor) Regulations 2014.
- Circular LG19/2014 – Local Government Reform Act, 2014 Regional Structures Reorganisation – Oversight Groups
- Circular LG 18/2014 – Guidelines on Preparation of Monthly Management Reports.
- Details of the A5 – a Strategic route to the North West a joint Council's presentation on the A5 Western transport corridor to members of the Joint Committee on the Implementation of the Good Friday Agreement.

Proposals arising out of correspondence:

On the proposal of Cllr Keelan, seconded by Cllr Crowe, it was agreed that the North South Kv Interconnector be placed as a standing item on the Council agenda for the term of this Council.

On the proposal of Cllr Keelan, seconded by Cllr Crowe, it was agreed that the Council invites senior representatives from EirGrid to the September meeting of the Council, in order to update members as to what stage the proposed North South Interconnector project is currently at and to also answer questions from the members.

On the proposal of Cllr Keelan, seconded by Cllr Crowe, it was agreed that Monaghan County Council writes to EirGrid requesting that a specific underground route be identified for the North South Interconnector, as is the case with the proposed Grid West project.

On the proposal of Cllr Keelan, seconded by Cllr Crowe, it was agreed that all written material submitted by EirGrid to the Independent Expert Panel in relation to the North South Interconnector be furnished to this Council in the interest of openness and transparency.

On the proposal of Cllr Keelan, seconded by Cllr Crowe, it was agreed that the Council writes to our Oireachtas members for the constituency, to the Minister for Communications, Energy and Natural Resources and to the Taoiseach Enda Kenny T.D., seeking information as to what efforts they are making to ensure the people of this county and other counties affected by the proposed North South Interconnector are treated equally in terms of EirGrid identifying a specific underground route for this project, as is the case with Grid West and Grid Link.

On the proposal of Cllr McNally, seconded by Cllr Keelan, it was agreed that this Council expresses its concern that the Public Accounts Committee has no remit over EirGrid Plc, and that we call for legislative change to ensure that PAC can investigate any public body who are spending public funds.

On the proposal of Cllr Connolly, seconded by Cllr S. Treanor, it was agreed that in view of the fact that "The Valuation (Amendment) (No 2) Bill 2012 is currently before the Oireachtas, that Monaghan County Council writes to the Minister for Public Expenditure and Reform requesting a review of commercial rates being applied to premises providing crèches and Montessori schools – all of which provide education to infants and that consideration be given to exempting these premises from full commercial rates.

On the proposal of Cllr Coyle, seconded by Cllr Gallagher, it was agreed that Monaghan County Council calls on the incoming Minister for Social Protection to rescind the budget changes of 2012/2013 to the Farm Assist Scheme which is negatively impacting on small farm families and rural communities of County Monaghan.

On the proposal of Cllr Coyle, seconded by Cllr Gallagher, it was agreed that Monaghan County Council demand the government and the Minister for Public Expenditure and Reform remove all liability for rateable valuation of childcare facilities as in the case for all educational facilities.

On the proposal of Cllr Crowe, seconded by Cllr Keelan, it was agreed that this Council draw up plans to submit to SEUPB in regards to Ballinacarry Bridge re-alignment with a view to having plans ready for Interreg V next year.

On the proposal of Cllr O'Hanlon, seconded by Cllr Gallagher, it was agreed that this Council calls on the Minister for Finance to reduce the VAT rate on bottled water from 23% to 1%.

On the proposal of Cllr B. McKenna, seconded by Cllr Bennett, it was agreed that this Council writes to all TD's in the constituency calling on them to ensure that all childcare facilities are designated as educational under the current review of the Valuation Act going through the Oireachtas at the present time.

On the proposal of Cllr Connolly, seconded by Cllr S. Treanor it was agreed that this Council writes to the Minister for Transport, Tourism and Sport requesting the level of checks and monitoring at our ports and entering from Northern Ireland, of lorry compliance in relation to height and to ask what type of equipment is used for measuring lorry height.

3. Filling of casual vacancy on Monaghan County Council arising from the resignation of Cllr Matt Carthy.

Cllr. McKenna said it was his pleasure to propose the co-option of Colm Carthy for the Carrickmacross-Castleblayney area. He said that Colm had been an active member of the Sinn Féin party for the past 10 years and had been selected to fill the vacancy created by the election of his brother Matt to the European Parliament. This proposal was seconded by Cllr. Keelan. As there was no other proposal Colm Carthy was deemed co-opted to fill the casual vacancy on Monaghan County Council.

The Cathaoirleach Cllr. McNally welcomed Councillor Colm Carthy and wished him well for the next five years. All members present congratulated Cllr Carthy.

The Chief Executive Mr. Cummins welcomed Cllr. Carthy and wished him every success. He said he looked forward to working with him.

Cllr. Colm Carthy thanked the Cathaoirleach, his proposer and seconder and the members and executive for their warm welcome. He said he was looking forward to working with them for the betterment of the county. It was a new chapter in his life, a daunting one but he had the support of his family and friends. He said he had been involved in politics since the age of 16 and would like to be part of a new Ireland which didn't force people to emigrate. He said he wanted to represent ordinary families and bring forward ideas to help create a better future for all.

It was agreed that that Cllr. Colm McCarthy would fill the vacancy on the following committees that had arisen following the resignation of his brother Matt.

- (i) The Cavan/Monaghan Education and Training Board
- (ii) Local Traveller Accommodation Consultative Committee.

4. To receive Draft Annual Financial Statement 2013 and approve over-expenditure and transfers from Revenue Account.

The Members noted the Draft Annual Financial Statement 2013 which had been circulated with the agenda. Mr. J. Murray, Head of Finance responded to a number of queries from the Members in relation to the Draft AFS for 2013.

On the proposal of Cllr McElvaney, seconded by Cllr Maxwell, it was agreed to approve the Draft Annual Financial Statement (AFS 2013) and to approve over-expenditures and transfers to Capital Account, as per schedules submitted to the Members, as follows:

Transfer to Capital Account

	Transfer Amount	Budget Provision	Difference
Loan Repayment Reserve	360,657	360,657	0
Home Composting	3,155	0	-3,155
OPW Own Resources Provision	61,373	0	-61,373
Landfill Income Surplus	608,465	0	-608,465
Machinery Account Surplus	256,311	0	-256,311

Provisions for Transfer to Capital

(included in Budget 2013)

Co. Development Fund	75,000	75,000	0
Landfill Leachate EIS	50,000	50,000	0
Local Elections	30,000	30,000	0
Members Gratuity Scheme	30,000	30,000	0
Fire Service Gratuities	50,000	50,000	0
Budget Provision Capital Fund	400,000	400,000	0
Civil Defence	2,000	2,000	0
Dog Warden Van	15,500	15,500	0
Libraries - Provision for Capital Balances	58,956	58,956	0
Flexi Time System	15,000	15,000	0
Computing - Provision for Capital Balance	100,000	100,000	0
	2,116,417	1,187,113	-929,304

Over Expenditure

Division		Expenditure	Income	Net Position
		(Over)/Under	Over/(Under)	
		Estimates	Estimates	
		2013	2013	2013
		€	€	€
B	Road Transportation and Safety	-2,574,775	2,172,890	-401,885
C	Water Services	-327,995	407,370	79,375
E	Environmental Services	-919,605	1,477,470	557,865
F	Recreation & Amenity	-162,817	-28,621	-191,438
H	Miscellaneous Services	-933,314	335,521	-597,793
		-4,918,506	4,364,630	-553,876

5. Part VIII of the Local Government (Planning & Development) Act - To consider granting permission for changes to the N2 2+1 road layout between N2/R181 Shercock junction and the N2/N53 Tullyvin roundabout (Ref 14/8004).

Mr. J. McGrath, Senior Engineer circulated drawings to the members in relation to the proposed granting of permission for changes to the N2 2+1 road layout between N2/R181 Shercock junction and the N2/N53 Tullyvin roundabout. Mr. McGrath said that the Council had been in negotiations with the NRA for a number of years and had now received the full allocation for these works. He said that the Council had ongoing correspondence with businesses in the area and were keeping dialogues open.

On the proposal of Cllr Crowe, seconded by Cllr Campbell, it was agreed that the Council approve the granting of permission for changes to the N2 2+1 road layout between the N2/R181 Shercock junction and the N2/N53 Tullyvin roundabout (Ref 14/8004) to comply with report dated 21st February, 2014 and in accordance with Part VIII of the Local Government (Planning and Development) Regulations 2001.

6. Establishment of Local Community Development Committee (LCDC)

On the proposal of Cllr. McKenna, seconded by Cllr. McElvaney it was agreed to establish the Local Community Development Committee (LCDC) in accordance with the Local Government Reform, Act, 2014.

On the proposal of Cllr. McElvaney, seconded by Cllr. McPhillips, Cllr. Maxwell was nominated as a representative to the Local Community Development Committee (LCDC).

On the proposal of Cllr. Connolly, seconded by Cllr. S. Treanor, Cllr. S. Treanor was nominated as a representative to the Local Community Development Committee (LCDC).

On the proposal of Cllr. Gallagher, seconded by Cllr. O'Hanlon, Cllr. Coyle was nominated as a representative to the Local Community Development Committee (LCDC).

On the proposal of Cllr. P. Treanor, seconded by Cllr. Bennett, Cllr. McKenna was nominated as a representative to the Local Community Development Committee (LCDC).

A record vote was taken which resulted as follows:-

For Cllr. Maxwell: Cllrs. Bannigan, Campbell, Connolly, McElvaney, McPhillips and Maxwell.

Total 6

For Cllr. S. Treanor: Cllrs. Connolly, McElvaney and S. Treanor.

Total 3

For Cllr. Coyle: Cllrs. Coyle, Gallagher, McNally, and O'Hanlon.

Total 4

For Cllr. McKenna: - Cllrs. Bennett, Carthy, Conlon, Connolly, Crowe, Keelan, McKenna and P. Treanor.

Total 8

Cllrs. Maxwell, Coyle and McKenna were declared elected to the Local Community Development Committee (LCDC).

7. Strategic Overview - Mr. E. Cummins, Chief Executive.

Mr. Eugene Cummins, Chief Executive presented his strategic overview to the members. He advised them that there was a revenue deficit of over €3million and over €5 million capital deficit. He stated that with the dissolution of the Town Councils, their assets and debts now belonged to the County Council. The Local Government Reform Act provides for the Chief Executive to present a monthly management report to the Council.

In relation to the strategic overview the Chief Executive spoke about the N2/N54 by pass and the Ulster Canal. He referred to a new traffic model for Monaghan town to allow for the development of the town. He said that the county had many hidden treasures such as Lough Muckno and listed buildings. He said that there would be a greater focus on energising local communities. He advised the members that it was his intention to provide a modest extension to the Council Head Quarters in the near future.

The Chief Executive stated that there would be a stronger role for the CPG in forming the budget. Items such as debt reduction, the need to invest in the county and energising communities were a priority. He said that he didn't think that lowering the LPT rate was an option for the county as Monaghan had to compete with its neighbours and be able to grow as a county.

Mr. Cummins said that the focus was to bring the county forward. He said it was important to get operational matters carried out at municipal District level and strategic policy matters to be dealt with by the County Council, the SPC's and CPG. He said the full Council would have a greater oversight role.

The Chief Executive said that outstanding balances in commercial rates had to be collected. He said that the debts now facing the Council in relation to such outstanding balances and revenue and capital deficits put the Council in a difficult position but it was manageable. The challenge would be to manage the debt while growing the county but this would be dealt with.

Finally the Chief Executive advised the members that the process of realigning commercial rates throughout the county would commence at budget time. He said any budgetary decisions would be made at County Council level.

8. Reserved Functions in accordance with the Local Government Reform Act 2014.

Mr. A. King, Director referred to the copy of Schedule 3 of the LG Reform Act 2014 – Parts 1, 2 and 3, outlining the Reserved Functions, was circulated with the agenda for the meeting. Mr. King explained that the reserved functions contained in Part 1 were reserved to the Municipal District; the functions contained in Part 3 were reserved to the Plenary Council and that the Council must make a decision as to the performance of functions contained in Part 2 by either the Plenary Council or the Municipal District members.

It was agreed that the matter would be considered at the next CPG meeting.

9. To fix date for Corporate Policy Group meeting.

It was agreed that a meeting of the Corporate Policy Group would be held on Monday 25th August, 2014 at 11.00 am in the Conference Room, The Glen, Monaghan.

10. To receive reports from Members attending Conferences

The Members noted the reports from Cllrs. Carville, Connolly, Coyle, Gallagher, and former members A. Murray and J. O'Brien in relation to their attendance at the following conferences:

- Colmcille Winter School, Gartan, Churchill, Co. Donegal
- Budgets & Financing of Local Authorities, Wexford
- ACCC Annual Conference, Ballyconnell, Co. Cavan
- Tourism Conference, Dundalk.
- MABS & Insolvency, Rosscarbery, Co. Cork
- Social Welfare and Health, Rosscarbery, Co. Cork
- Retirement Benefits, Carlingford, Co. Louth.
- Branding in Political Elections, Rosscarbery, Co. Cork
- Seanad Reform, Bunclody, Co. Wexford.
- Alternative Energy and Local Government, Ennistymon, Co. Clare.
- Media Skills, Bundoran, Co. Donegal.
- Environmental Assessment, Letterkenny, Co. Donegal.
- Building Business, Rosscarbery, Co. Cork.
- Meeting Management Principles and Best Practice, Rosscarbery, Co. Cork
- Value for Money in Local Government, Letterkenny, Co. Donegal
- Waste Management Legislation, Rosscarbery, Co. Cork.
- The Elected Member, The Environment & the Community, Letterkenny, Co. Donegal

11. Business submitted by Chief Executive.

The Chief Executive advised the members that former Acting Director of Services Damien Treanor had retired on the last day of June. He said Mr. Treanor had a long career with Monaghan County Council and had been a key player in the recent reform process. He paid tribute to Damien who he said, was a perfectionist, a diligent, hardworking and honest individual. He wished him good health and happiness in his retirement.

The Cathaoirleach Cllr. McNally requested that the Council write to Mr. Treanor extending its good wishes for his retirement.

12. Questions:

Cllr S. Coyle asked:

- 1 What is the up to date position for the taking in charge by Monaghan County Council of the Meadows Housing Estate, Smithboro?

Reply: The Meadows Housing estate was taken in charge by Monaghan County Council in April 2013

Cllr S. Conlon will ask:

- 2 Regarding previous questions I have submitted, and answered by the Planning Section, regarding the possibility of the Council purchasing undeveloped lands at Latlurcan, Castleblayney road, Monaghan (formerly WJ Dolan's site), what is the current status of negotiations with the financial agencies?

Reply: The Council legal representatives are currently reviewing the contract for sale in respect of the subject lands. It is hoped that the acquisition will be completed in the immediate future.

- (a) What extent are negotiations advancing between Monaghan County Council and Coillte regarding potential leasing arrangements of Rossmore Park by the Council?

Reply: Monaghan County Council will be meeting with Coillte representatives in July to advance discussions on Rossmore in particular and recreation and nature conservation in Coillte's Monaghan properties in general.

- (b) Have Coillte responded to the Council regarding their intentions in repairing the damaged wall, caused during recent tree felling, near the Park entrance on the Threemilehouse Rd?

Reply: The Council has not received an indication from Coillte in relation to repairing this wall; the matter will be pursued with them.

Cllr N. Keelan asked:

- 3 (a) How many people are currently on Monaghan County Council Housing Waiting List?

Reply: There are 1131 households on the Monaghan County Council Housing Waiting list

- (b) What is the breakdown by electoral area?

Reply:	Monaghan Municipal District Area	485
	Castleblayney/Carrickmacross Municipal District Area	457
	Clones Ballybay Municipal District Area	189

- 4 (a) How may housing units have Monaghan County Council taken under Rental Accommodation Scheme?

Reply: There are 190 units sourced under the Rental Accommodation Scheme in the private rented sector and 104 units sourced under the scheme from the voluntary housing sector.

- (b) What is the maximum amount of money being paid for one of those units in the county?

Reply: The maximum rent being paid is €700/month and reflects the type, form and nature of unit and the market rent applicable at the time of signing the contract

- 5 In relation to Monaghan County Council's Road Opening Licence & Policy Issue, what actions will the Council take to ensure that, in particular, public utilities such as an Bord Gáis, Telecom companies etc., properly reinstate our public roadway upon completion of works; will Monaghan County Council contact the companies involved in works in and around the Carrickmacross town area recently as the reinstatement works are totally unsatisfactory?

Reply: There is a policy in place where Utility Companies pay a refundable deposit and a fee. The deposit is withheld until the Council are satisfied that the road is properly reinstated. If the identity of the roads in question is made known, the Municipal engineer will investigate.

Cllr R. Gallagher asked:

- 6 What is the current situation with regard to unfinished estates at Knockcarrick, Annyalla?

Reply: Despite engaging in protracted negotiations with the Council, the Receiver responsible for the development has failed to carry out the necessary remedial works on this site. The Council has instructed its legal representative to pursue the related development bond. Upon receipt of the monies from the bond, the Council will proceed to carry out remedial works.

- 7 Can the Council review the location of polling stations with a view to ensuring that voters would not be bypassing a nearby polling station to vote at one further away from their homes?

Reply: A new Polling Scheme will be submitted to the Council for approval later this year. The Council can review the location of existing polling stations at this time.

What is the current position with regard to works planned for the roundabouts at Coolshannagh on the Monaghan Bypass and Clontibret on the N2?

Reply: A planting scheme and layout is being developed by Council staff and the works will be carried out in August or September of this year.

Can the Council investigate the need for repairs to the stone bridge at Ballyalbany?

Reply: This will be investigated and reported to a future Meeting of the Monaghan Municipal District.

Cllr J. Crowe asked:

- 8 Is the new scheme for tenants purchasing their homes being made available yet to Monaghan County Council and if so what is the criteria for purchasing?

Reply: There is currently no scheme for tenants purchasing Council properties in place. The Housing (Miscellaneous Provisions) Bill 2014 incorporates a scheme of tenant purchase of existing local authority houses broadly along the same lines as the incremental purchase schemes for new local authority houses and existing local authority apartments. This has passed through the Dáil and is awaiting Seanad approval.

Cllr S. Treanor asked:

- 9 What is the position regarding the County Council Landfill at Scotch Corner, are more cells to be opened?

Reply: The long term viability of developing additional cells at the Landfill facility at Scotch Corner needs to be examined in an overall holistic long term Management Plan for the site, taking into consideration the site specific conditions such as the management of leachate, methane gas emissions, the old historical landfill site as well as the Material Recycling Facility. A number of key external factors in particular the proposed new Connacht /Ulster Regional Waste Management Plan may have significant key strategic objectives that may impact on the long term viability on developing additional cells at the site. The draft Connacht /Ulster Regional Waste Management Plan is to be available in October.

When is Monaghan County Council going to take action against a production unit at Tyholland which is constantly emitting a foul smell, so bad that residents within a 4km radius must keep their windows and doors closed, and in some cases block their chimneys to keep it out?

Reply: Monaghan County Council along with the EPA are the statutory bodies that deal with complaints of this nature, depending on whether a facility or premises is licensed or not. While the query doesn't specifically identify the premises there are and have been investigations ongoing in this area by the EPA and Monaghan County Council, which have not been concluded to date. These investigations can be complex and are still ongoing. Once they have concluded the appropriate solutions can then be examined.

Why is Monaghan County Council, one of the few Councils, to persist in the practise of making young couples who intend to build their first home on the family farm must form a legal pact with their neighbours to cut their hedges for road view.

Reply: It is a requirement of paragraph 15.23 of the Monaghan County Development Plan 2013 – 2019 (Access Standards) that all planning applications involving third party lands must be accompanied by a written legal agreement between all parties. This requirement was debated at length during the preparation of the Development Plan, and was included in order to protect the interests of the developer / house builder, by safeguarding their ability to provide the required sight distances.

13. Notices of Motion:

There were no notices of motion included on the agenda.

14. Votes of sympathy/congratulations

It was agreed that votes of congratulation would be extended to the following:

- County Monaghan Senior Football Team on reaching their second consecutive Ulster Senior Football Championship and to extend best wishes to all for a successful defence of the title.
- Amy Hamill, Glaslough Harriers A. C. on winning the Irish Schools Intermediate 1500 metres title and on being selected to represent Ireland at the Schools International on 19th July.
- Cian Maguire, St. Patrick's N.S. Clara on winning the 8th Annual P.V.T. Writing Competition organised by the Northern Standard.

On the proposal of Cllr Maxwell, seconded by Cllr Conlon it was agreed that the Council would host a Civic Reception for the athletes from the county who participated in the Special Olympic Games in Limerick recently.

15. Conferences.

There were no conferences approved at the July monthly meeting.

The meeting concluded at 3.00 pm