

Minutes of Meeting of Monaghan County Council held in the Mtek Building, Knockaconny, Monaghan on Monday 2nd March, 2009 at 10.00 a.m.

Chair: Cllr M. Carthy, Mayor

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

Mr. D. Nelson, Co. Manager, Mr. P Clifford, Mr. M. Fitzpatrick, Mr. D. Fallon and Mr. A. King, Directors of Service, Mr J. Murray, Head of Finance, Ms R. McManus, Senior Executive Officer, Ms. C. Thornton, Meetings Administrator, Ms. B O'Flaherty, Executive Chemist and Ms. L Brannigan, A/Staff Officer.

Apologies: Cllr B. McKenna.

1. Minutes:

(i) *On the proposal of Cllr Bannigan, seconded by Cllr Keenan, it was agreed that the minutes of the adjourned January Council meeting held on 19th January, 2009 be confirmed.*

(ii) **Minutes of February Council meeting:**

Cllr Maxwell requested that the minutes of the Council meeting held on 2nd February, 2009, be amended, as follows:

Page 3 – item 3 – third point of SPC recommendation should read

“The area of Strong Urban Influence around Castleblayney Town should be defined by a 3km radius from the town centre and follow the nearest field boundary ”

The amendment was agreed by the Members.

On the proposal of Cllr McElvaney, seconded by Cllr Keenan, it was agreed that the minutes of the Council meeting held on 2nd February, 2009 be confirmed subject to the amendment detailed above.

2. Correspondence:

The following correspondence was circulated to the Members:

- Letter from the Private Secretary to the Minister for Health & Children declining a request to meet with a deputation from the Council.

- Letter to the Mayor from the Minister for Enterprise, Trade and Employment enclosing letter from the IDA in relation to foreign direct investment in Co. Monaghan.
- Letter from the Minister for Communications, Energy and Natural Resources in relation to the National Broadband Scheme.
- Letter from the Private Secretary to the Minister for Agriculture declining to extend the closing date for the submission of grants claims in relation to the Farm Waste Management Scheme beyond the end December 2008.
- Letter of acknowledgement from Minister Finneran's office in relation to the Council's social housing allocation.
- Letter from the National Roads Authority declining the Council's request for a meeting with the Authority.
- Email from Colm Ó Bric Department of Agriculture declining the Council's invitation to attend the March Council meeting in relation to the Single Farm Payment scheme.
- Letter from the Chief Executive Officer, Failte Ireland advising of a significant reduction in the Tourism Infrastructure Fund.
- Circular N3/09 from the Department of the Environment, Heritage & Local Government in relation to the Social Housing Investment Programme.
- Letter from Sean Ó Neachtain MEP calling on the Council to make contact with the new administration in America in relation to the legalisation of the undocumented Irish in America.
- Resolution from Dun Laoghaire Rathdown County Council in relation to the implementation of the Harbours (Amendment) Bill.
- Resolution from Muinebeag Town Council in relation to the extension of the community employment programme.
- Letter from the All Ireland Nuclear Free Local Authorities in relation to AGM of the association.
- Letter from Wells & O'Carroll, Solicitors explaining the position in relation to the Lough Muckno court case.
- Letter from the Courts Service in relation to forthcoming meeting with members of the Council on 19th February in Castleblayney.
- Letter from the Fort Augustus Irish Descendants inviting the Council to partake in the Annual Settlers Day celebrations in May 2009.
- Resolutions from Monaghan Town Council in relation to (i) reduction in current VAT rate; (ii) rejection of proposed re-introduction of college tuition fees and (iii) Phonographic Performance Ireland and Irish Music Rights Organisation fees.
- Letter of acknowledgement from the Private Secretary to the Minister for Enterprise, Trade and Employment in relation to County Managers letter regarding Rye Valley Foods, Carrickmacross.
- Letter of acknowledgement from the Private Secretary to the Minister for Environment, Heritage and Local Government in relation to County Managers letter regarding Carrickmacross waste water treatment plant.

The following proposals arose out of correspondence:

Social Housing Investment Programme:

On the proposal of Cllr Carthy, seconded by Cllrs Conlon & McAnespie, it was agreed that the Council express its concern in relation to the Social Housing Investment Programme and requests that the Government pursue a housing capital programme instead of the leasing scheme.

Farm Waste Management Scheme:

“ On the proposal of Cllr Bannigan, seconded by Cllr Humphreys it was agreed that this Council condemns the decision of Minister Brendan Smith, T.D., to phase the Farm Waste Grants over three years and to pay interest on the outstanding grant money at a maximum of 3.5%. This Council accepts that bridging loan finance ranges from 5-10% and a rate of 3.5% is insulting to the farming community.

We request Minister Smith to re-visit the Farm Waste Grants and honour his Government’s original commitment to pay the grants in full within 13 weeks of the works being finalised. ”

Damage to roads as a result of works on the Castleblayney bypass:

On the proposal of Cllr Bannigan, seconded by Cllr Humphreys it was agreed that this Council express our disappointment at the decision of the National Roads Authority to

- 1. reduce the allocation of money available to repair local roads damaged as a result of the Castleblayney bypass from €278,000 to €100,000*
- 2. refuse to increase the allocation as requested and detailed by the engineering staff of Monaghan County Council.*

That we request a meeting with the Minister for Transport Noel Dempsey, T.D., to discuss this development.

Local Improvements Scheme:

“ On the proposal of Cllr Bannigan, seconded by Cllr Humphreys it was agreed that this Council express its disappointment at the decision of Minister Ó Cuiv to cancel the L.I.S. Clar grant for 2009. This Council was penalised in 2008 by having its LIS grant substantially reduced and we were promised that this would be addressed in 2009.

We seek a meeting with Minister Ó Cuiv to discuss this matter in light of his previous commitments. ”

National Broadband Scheme:

On the proposal of Cllr Humphreys, seconded by Cllr Bannigan it was agreed that this Council write to the Minister for Communications, Energy & Natural Resources requesting a meeting to discuss why there remains areas of County Monaghan that will not be covered by broadband and why they were not included in the agreement with “3”.

Undocumented Irish in America:

On the proposal of Cllr Gallagher, seconded by Cllr Treanor it was agreed that this Council make the case to the new administration in the USA, via the American Embassy, to find a resolution to the situation regarding the undocumented Irish in the USA.

On the proposal of Cllr Conlon, seconded by Cllr Treanor, it was agreed that the Council write to the Minister for Foreign Affairs, Mr. Micheál Martin, T.D., imploring him to pro-actively engage with the new U.S. administration in an effort to initiate a reciprocal long-term arrangement for both new Irish immigrant and especially those Irish citizens undocumented and residing for many years in the U.S.

On the proposal of Cllr Treanor, seconded by Cllr Conlon, it was agreed that the two resolutions passed by the Council in relation to the undocumented Irish in the U.S. be forwarded to Mr. Charles Schumer, Chairperson of the Senate Immigration Sub Committee.

IDA investment in Co. Monaghan

On the proposal of Cllr Gallagher, seconded by Cllr Treanor it was agreed that the Council write to the IDA requesting them to re-enter discussions with the landowner in relation to the acquisition of lands adjacent to the Monaghan town bypass.

On the proposal of Cllr Conlon, seconded by Cllr Keelan, it was agreed to write to the Chief Executive Officer of Failte Ireland to grant an exemption to Co. Monaghan with the proposed suspension of the Infrastructure Fund in light of the historic low levels of Failte Ireland support to Co. Monaghan over recent years.

County Enterprise Board

On the proposal of Cllr Treanor, seconded by Cllr Crowe it was agreed that the Council write to the Monaghan County Enterprise Board requesting that the Enterprise Bus, which is visiting the county on 16th and 18th March, 2009 would include the towns of Clones and Ballybay in its itinerary.

Annual Settlers Day in Prince Edward Island:

On the proposal of Cllr Maxwell, seconded by Cllr Keenan, it was agreed that the Council write to the Fort Augustus Irish Descendents, Prince Edward Island thanking them for the invitation to the Annual Settlers Day in May 2009 and advising them that the Council would not be partaking in the celebrations this year, having regard to the decision taken at budget time not to engage in any foreign travel in 2009.

Resolution from Muinebeag Town Council:

On the proposal of Cllr Treanor, seconded by Cllr McAnespie, it was agreed to adopt the resolution from Muinebeag Town Council requesting that savings identified from the audit in FAS be used for the extension of a community employment programme.

Resolutions from Monaghan Town Council:

On the proposal of Cllr Maxwell, seconded by Cllr Keenan it was agreed to adopt the resolutions from Monaghan Town Council relating to (i) reduction in current VAT rate; (ii) rejection of proposed re-introduction of college tuition fees and (iii) Phonographic Performance Ireland and Irish Music Rights Organisation fees.

3. To consider proposed variation to the Monaghan County Development Plan 2007 – 2013:

Cllr D. Maxwell, Chair of the Planning & Water Services SPC, stated that the Committee had been requested by the Council to discuss the policy in relation to development around lakes, particularly ENV 15 and 16 in the Monaghan County Development Plan 2007-2013. He stated that all members expressed the need for a more relaxed approach to development around lakes and acknowledged that while there is a need for flexibility in relation to this policy there is also a need to protect what is important in our county.

The SPC were recommending to the Council that the following revised wording be considered for ENV 15 and that it replace the existing policy ENV 15 and 16 in the Monaghan County Development Plan 2007-2013.

“ Protect the scenic quality of lakes by prohibiting development which is located between a public road and a lake, where the development would interrupt a view of the lake, or detrimentally impact on the setting of that lake. Development may be permitted between a road and a lakeshore where the development is screened from the lake by existing topography or vegetation.

An exception to this policy may include short term let holiday accommodation or recreational development where a specific need has been established. The design, scale

and setting of development granted under this exception should reflect the site's sensitive location.

For the purpose of this policy a lake is considered to be a permanent (ie non seasonal) water feature in excess of 1 hectare."

On the proposal of Cllr Bannigan, seconded by Cllr Crowe it was agreed that the Council commence the process of varying the Monaghan County Development Plan 2007-2013 to provide for a revised Policy ENV 15, which will amalgamate existing policies ENV 15 and ENV 16, as follows:

"Protect the scenic quality of lakes by prohibiting development which is located between a public road and a lake, where the development would interrupt a view of the lake, or detrimentally impact on the setting of that lake. Development may be permitted between a road and a lakeshore where the development is screened from the lake by existing topography or vegetation.

An exception to this policy may include short term let holiday accommodation or recreational development where a specific need has been established. The design, scale and setting of development granted under this exception should reflect the site's sensitive location.

For the purpose of this policy a lake is considered to be a permanent (ie non seasonal) water feature in excess of 1 hectare."

4. To approve the raising of a loan of €8.13 million for Carrickmacross Wastewater Treatment Plant.

The Members considered the report from Mr. David Fallon, Director of Water Services in relation to the requirement to borrow €8.13 million for the Carrickmacross Wastewater Treatment Plant. In his report Mr. Fallon stated that the Council, under the Government's Water Pricing Policy, is obliged to recover the costs of providing water services from non-domestic users. The total cost estimate for the project is €12,756,950. He recommended that the Council raise a loan of €8.13 million (including the contribution due by Rye Valley Foods Ltd, which could be repaid to the Council).

Mr. Declan Nelson, County Manager stated that the Council was bound by the requirements of the Water Pricing Policy. The DoEHLG were prepared to make a contribution of 36.3% towards the cost of the project which is estimated at €2.76 million (based on estimated cost – the exact cost would depend on the actual contract price). The County Council would have to meet the balance of 63.7% of the cost of the project. In accordance with Department policy 'significant consumers' would also have to contribute to the project – the only 'significant consumer' in Carrickmacross, who met the Department criteria, is Rye Valley Foods and their contribution equates to 33% of the capacity or €1.94 million. Rye Valley had indicated to the Council that they

would not be prepared to make any contribution as they were already in situ in Carrickmacross and connected to the existing network. He stated that if the Council were to borrow this amount over 20 years, the annual cost would be in the region of €478,726. This would equate to an increase of 7.93% on the county rate to provide for one facility for one town.

The Manager further stated that the new pipeline contract in Carrickmacross was being put in place on the basis of the new treatment plant being available. An Bord Pleanála had ruled that the outfall point had to be 2.5 km downstream from the existing one in order to bypass Moynalty Lake on environmental grounds. The Council has to go ahead with the treatment plant in the immediate future, they had no choice. Otherwise they would not be able to link in the new pipeline to a treatment facility. He recommended that the Council would approve the borrowing proposal - whether or not the Council took up the loan was another matter.

A debate followed during which a number of members expressed the view that it would be premature for the Council to agree to the raising of a loan, without first discussing the matter with the Minister for the Environment. They felt that Rye Valley Foods should not have to contribute towards the wastewater treatment plant given the fact that businesses in other towns in the country had access to 100% grant aided treatment facilities.

On the proposal of Cllr Carthy, seconded by Cllr Keenan it was agreed that the Council defer a decision on the proposal to borrow €8.13 million, pending a meeting with Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government, as a matter of urgency and An Tánaiste Mary Coughlan, T.D., if possible.

The Members agreed that they would be available to meet Minister Gormley at any location, outside of the county, if necessary.

On the proposal of Cllr Martin, seconded by Cllr Carthy it was agreed that the MEP's be asked to support the Council in its case for 100% funding for the Carrickmacross Wastewater Treatment Plant.

5. To consider Section 183 Notice – Disposal of site at Crosses, Monaghan.

On the proposal of Cllr Gallagher, seconded by Cllr Conlon, it was agreed that the Council dispose of 17.87m² in the townland of Crosses, Monaghan (Folio 3058) to the Electricity Supply Board (ESB) Head Office, 27 Lower Fitzwilliam Street, Dublin 2 in accordance with the terms of Notice dated 12th February, 2009 under Section 183 of the Local Government Act, 2001.

6. Notification of Commencement of Public Consultation Exercise:

(i) Proposed extinguishment of public right of way:

Ms. E. McShane, SEO Roads & Environment advised the members that the Council proposes to extinguish 50 metres of the public right of way from the N2 to the LS08150 Creevy Road Junction near Carrickmacross. The matter was discussed at the Carrickmacross Road Area meeting on 21st October 2008 when it was agreed to proceed with the public consultation process. The planned time period for the extinguishment process is as follows:

Date of publication of notice	5 th March, 2009
Display period	1 month (10 th April, 2009)
Submission period	Minimum 2 weeks (29 th April, 2009)

A report will then be prepared by the Roads Department before the proposed extinguishment is brought to Monaghan County Council for consideration.

On the proposal of Cllr McNally, seconded by Cllr Gallagher it was agreed to proceed with the public consultation process in relation to the extinguishment of the public right of way as outlined above.

(ii) Draft Litter Management Plan 2009-2011:

Ms. E. McShane, SEO Roads & Environment advised the members that a draft Litter Management Plan has been prepared, copy of which has been circulated to each member. The draft plan sets out the objectives to prevent and control litter, as well as measures to raise public awareness. The draft plan also sets out measures and arrangements by which the Council proposes to achieve these objectives. She stated that subject to Council approval it is proposed to put the plan on public display and invite submissions from the general public.

On the proposal of Cllr Keenan, seconded by Cllr Carville, it was agreed to proceed with the public consultation process in relation to the draft Litter Management Plan 2009-2011.

7. To approve the draft Traveller Accommodation Programme 2009-2013:

Mr. P. Clifford, Director of Housing stated that the draft Traveller Accommodation Programme 2009-2013, which had been circulated with the agenda, has been prepared in accordance with section 11 of the Housing (Traveller Accommodation) Act 1998. During the public consultation processes three submissions were received from the following bodies –

- (i) The Irish Traveller Movement.
- (ii) The Monaghan Traveller Support Group
- (iii) Pavee Point.

Mr. Clifford circulated a summary of the submissions received from each group and the Council's proposed response to each submission.

Cllr B. Kieran as Chair of the Local Traveller Accommodation Consultative Committee welcomed the preparation of the draft programme which had been discussed by the Committee. He recommended it to the Council for adoption.

On the proposal of Cllr Kieran, seconded by Cllr McElvaney it was agreed that the Council adopt the Traveller Accommodation Programme 2009-2013.

8. Presentation from Mr. Paul Clarke, Building Control Officer:

The Mayor welcomed Mr. Paul Clarke, Building Control Officer for the Council to the meeting and invited him to address the members.

Mr. Clarke thanked the Council for the opportunity to address them. He stated that the basis for his presentation was a proposal by the Members that Part M of the Building Regulations be amended to include an additional requirement that "all new dwellings should have a downstairs bedroom". He had contacted the DoEHLG in relation to this proposal and was informed that the latest Draft Consultation Version of the proposed new Part M is on the verge of release to the public; that all submissions would be fully considered by BRAB (the Building Regulations Advisory Board) and that a Regulatory Impact Assessment would be carried out by the R.I.A.I. (i.e. a cost benefit analysis of proposed amendments to the existing Part M). A further window of opportunity will be open for submissions as a process of public consultation will commence once the draft document is published.

In his presentation he outlined the following

- The background to the Building Control legislation and its requirements
- Compliance with Planning Permission and Building Control Requirements is mandatory.
- How construction is regulated
- The primary responsibility for observing the requirements of the Building regulations falls on the designer, the builder and the owner.
- The requirement that all new houses constructed on or after 1 January 2001 should be visitable by people with disabilities.

Following his presentation, Mr. Clarke responded to queries from the Members.

The Mayor thanked Mr. Clarke for his presentation

9. To consider recommendations from Corporate Policy Group:

The Members considered the recommendations from the Corporate Policy Group meeting held on 16th March, 2009.

Monaghan Furniture Show Group:

Pending confirmation that the Monaghan Furniture Group who are seeking financial assistance from the Council to participate in the *Furniture & Home Accessories Fair* in the RDS from 29th March to 1st April, 2009 is the same group that has been assisted by the Council in the past few years, it was agreed to provide €5,000 towards this project. The County Manager undertook to secure this confirmation.

On the proposal of Cllr Conlon, seconded by Cllr P. McKenna it was agreed that the recommendations of the Corporate Policy Group meeting held on 16th March, 2009 be approved.

On the proposal of Cllr Treanor, seconded by Cllr Kierans it was agreed that Council Members would, in future, be excluded from submitting nominations under the Annual Awards Scheme.

On the proposal of Cllr Carthy, seconded by Cllr Treanor, it was agreed that the Council would host a Civic Reception on the afternoon of the April Council meeting (6th April at 4.00 p.m.) in recognition of the work of the Trade Union movement in the county.

10. To receive Audit Committee Report for year ended 31st December, 2008:

The Members were circulated with the report from the Chairperson of the Council's Audit Committee in relation to its activities for the year 2008.

Cllr Humphreys referred to the recommendation from the Audit Committee that greater reliance should be placed on the annual statutory audit and that the need for the large number of miscellaneous audits to which the Council is subjected should be examined.

On the proposal of Cllr Carville, seconded by Cllr Keenan, it was agreed that the Audit Committee report for the year 2008 be adopted.

On the proposal of Cllr Humphreys, seconded by Cllr Carville seconded, it was agreed that the Council write to the Department of the Environment Heritage and Local Government calling for a reduction in the level of audits to which local authorities are subjected to annually.

Cllr Carville welcomed the Committee's engagement with the Local Government Auditor and suggested that it devote more time to Value for Money assessments on the Council's services.

11. To receive minutes of the following meetings:

- (i) *On the proposal of Cllr Carville, seconded by Cllr Treanor, it was agreed that the minutes of An Coiste Gaeilge meeting held on 16th January, 2009 be approved.*
- (ii) *On the proposal of Cllr Kieran, seconded by Cllr McElvaney it was agreed that the minutes of the Local Traveller Accommodation Consultative Committee be approved.*

12. Proposed 440kv Eirgrid Interconnector:

The Members were circulated with a copy of a letter dated 17th February, 2009 addressed to the County Manager, enclosing a copy of the 'Non-Technical Summary' of the Parsons Brinckerhoff (PB Power) Report.

13. To receive reports from Members attending conferences:

The Members noted the reports from Cllrs Conlon, Coyle, Crowe, Keelan, Kieran, Martin, McElvaney, P. McKenna, McNally, O'Brien and Treanor in respect of their attendance at the following conferences:

- Antrim Tourism Conference, Dunadry Hotel, Antrim
- Irish Agriculture and Climate Change, Dublin Castle, Dublin.
- AMAI Spring Seminar, Letterkenny, Co. Donegal
- 4th Annual Conference ICLRD, Letterkenny, Co. Donegal.

14. Business submitted by County Manager:

The County Manager stated that he wished to advise the Members of the following matters:

(i) **Football Association of Ireland AGM:**

The FAI have notified the Council that they will hold their Annual General Meeting in Monaghan Town on Saturday 4th July, 2009. There will be a week of activities centred around soccer in the week leading up to the AGM. A formal press launch will be held in the first week in April to which the Members would be invited.

On the proposal of the Mayor, seconded by Cllr Gallagher, it was agreed that the Council write to the FAI thanking them for selecting Co. Monaghan as the venue for their AGM and offering any practical assistance in relation to the event.

It was further agreed that the Council write to Monaghan United and Carrickmacross Rovers football clubs acknowledging their role in securing this prestigious event for the county.

(ii) Rehab People of the Year Awards 2009:

The County Manager confirmed that the Rehab People of the Year Awards 2009 would take place in the Hillgrove Hotel on Friday 3rd April, 2009 and that all Members are invited to attend. He would welcome confirmation in this regard as soon as possible.

(iii) Overdraft Accommodation:

The Manager advised that the Council's overdraft limit has been set at €4.5m which is a lot less than was expected. This will mean constant monitoring in terms of cash flow.

(iv) Judicial Review of Eirgrid Variation:

The Manager informed the Members that the Council had been served with notice of a Judicial Review being taken by Eirgrid on the variation to the Monaghan County Development Plan which was agreed at the January Council meeting.

A number of members expressed disappointment at the fact that no indication of this intention had been given at the sub committee meeting with Eirgrid representatives on 11th February 2009, a meeting which, according to the members, was supposed to have been open and transparent in all areas. They expressed confidence in the way the Council's planners had dealt with the variation.

On the proposal of Cllr Bannigan, seconded by Cllr Keelan it was agreed that the Council request the Minister for Communications, Energy & Natural Resources Mr. Eamon Ryan, T.D. to meet with a deputation from the Council to discuss the Askon and PB Power Reports which are now in the public domain.

On the proposal of Cllr McNally, seconded by Cllr Coyle, it was agreed that the Council write to the three officials from Eirgrid who spoke to the sub-Committee at the meeting on 11th February in Carrickmacross, on what was supposed to be an open and honest basis, and advise them that there is no point in any future meetings in relation to the proposed interconnector, unless there is an issue of extreme importance.

On the proposal of Cllr McNally, seconded by Cllr McElvaney it was agreed that one or two representatives from the Eirgrid sub-committee would be present at any proceedings in relation to the Judicial Review.

15. Matters arising out of Council Meetings held on 19th January, 2009 and 2nd February 2009:

Matters arising out of Council meetings held on 19th January 2009 and 2nd February, 2009 were responded to by the relevant officials.

Cllr Treanor requested that an information leaflet would be prepared which would advise the public of the different grant schemes available in relation to housing.

16. Presentation from Mr. Des Patton, SVI, District Veterinary Office, Ballybay.

The Mayor welcomed Mr. Des Patton, Superintending Veterinary Officer, District Veterinary Office to the meeting and invited him to address the Members.

Mr. Patton thanked the Council for their invitation and gave a detailed presentation to the Members during which he outlined the following:

- The District Veterinary Office structure and the areas of the county covered by six veterinary inspectors.
- The DVO duties which includes such areas as animal welfare and traceability; Class B farm diseases and bio-security; Food Safety, Management; Marts & Animal Export.
- The Annual Tuberculosis (TB) testing programme, dealing with a TB outbreak together with future plans for decreasing TB levels in the county
- Cross Border communication
- The control and reduction of Brucellosis in the county
- BSE; Avian Influenza and Blue Tongue

Following his presentation Mr. Patton responded to queries from the Members. He commended the farming sector in the county for their co-operation with the DVO in the control/reduction of animal diseases in the county.

The Mayor thanked Mr. Patton for a very informative presentation and wished him and his staff every success with their work programme in the future.

17. Questions:

Cllr P. McNally asked:

1. Regarding the OPD's in Cloughvalley:
 - (a) When does this Council expect work to commence?

Reply: *The Council propose to go to tender in March 2009, subject to the approval of the Department of the Environment, Heritage and Local Government. It is expected that work will commence within 2 months of the Department of the*

Environment, Heritage and Local Government granting approval to the recommended tender.

Cllr P. McNally asked:

(b) When does this Council expect to have houses ready for occupancy?

Reply: *The programme will be finalised when a contractor has been selected.*

(c) How many housing units will there be and what type?

Reply: *There will be 22 housing units, 18 of which will be provided for social housing and 4 for affordable housing. The breakdown of the house types are as follows:*

- *10 No. 2-bedroom single storey semi-detached units*
- *1 No. 2-bedroom special needs single storey semi-detached unit*
- *1 No. 3-bedroom special needs single storey semi-detached unit*
- *2 No. 3 bedroom two storey semi-detached units*
- *4 No. 2-bedroom two storey semi-detached units and*
- *4 No.1 bedroom two storey semi-detached houses.*

2. When does this Council expect to carry out the safety measures at (a) Aghville junction on the N2; (b) Broomfield junction on the N2; (c) Boyle piggery junction on the Shercock Road, (R178), Carrickmacross?

Reply: *(a) & (b) above:*

Monaghan County Council has begun the process to extinguish the Public Right of Way over 50m of LS 08150 Creevy Road. When this is complete we will proceed as soon as possible to provide the right turning lanes at Corcuilloge junction and at the same time provide the right turning lane at Broomfield.

Reply (Item C)

The Council has received an allocation for a "low cost safety improvement Scheme" for Boyle's Cross at Rakeeragh on the R178 Carrickmacross to Shercock route. It is planned to improve visibility at the junction with this funding

3. Has this Council received any response from Louth County Council regarding village status for Killanny?

Reply: *In accordance with agreed processes, the designation of Killanny as a village was considered by the Strategic Policy Committee on 09th February 2009. It is intended to bring a recommendation forward to the March meeting of the Corporate Policy Group for further consideration. Subject to agreement being reached at the*

CPG meeting, it is expected that a recommendation in respect of this matter will be tabled to the April Council meeting.

Cllr P. McNally asked:

4. Where this Council is obliged, under the European Tendering Laws, to give a job to a firm outside the jurisdiction, what rules apply regarding employment laws, tax/VAT returns and the use of materials?

Reply: The EU Treaties provide for free movement and non - discrimination on the grounds of nationality in the provision of goods and services.

Public Procurement Guidelines – Competitive Process issued by the Department of Finance, requires that Local Authorities must consider statutory provisions during the tendering process:-

“Before awarding a contract, contracting authorities should ensure that tenderers have regard to statutory provisions relating to minimum pay, legally binding industrial or sectoral agreements and relevant health and safety issues, when preparing tenders. An appropriate reference to the need for compliance with such provisions should be included in tender documents (Section 3.7)”

Tenderers are invited to express tender prices exclusive of VAT. The rules provide for equal treatment in the supply of goods and services, therefore no competitive advantage or disadvantage should arise from the correct application of VAT rules. Since 1 September 2008 all principal contractors (including local authorities) must account to the Revenue Commissioners for VAT in respect of supplies received from Construction Subcontractors involved in the “erection of buildings, manufacture or treatment of materials”. In effect the local authority, when paying contractors, deducts and pays the VAT due (at Irish rates) on invoices directly to the Revenue Commissioners.

Detail of regulations may be obtained from:

www.revenue.ie/en/tax/vat/leaflets/foreign-suppliers.html also

<http://www.revenue.ie/en/tax/vat/leaflets/state-procurement.html>

Cllr G. Carville asked:

5. Does the Council have any further plans for additional Social and Affordable Houses in the villages of Annyalla and Doohamlet?

Reply: The Council acquired 8 houses in Annyalla under Part V between 2007 and 2008 in Phase 1 of a private development under Part V. When the developer completes the final phase of the development, the Council expect to deliver 2 further social housing units and 8 affordable units.

The Council completed 14 social and 8 affordable houses in Doohamlet in 2006. There are no further plans to provide additional housing in Doohamlet at present.

Cllr G. Carville asked:

6. What progress is being made in relation to the upgrade of the sewerage collection network for Castleblayney and Ballybay and can any works be expected to commence in 2009?

Reply: *Monaghan Co. Co. will hold a public information day in relation to Castleblayney Sewerage Scheme – Wastewater Treatment Works EIS on the 19th March 2009 in Castleblayney Enterprise Centre. No works will commence on the ground, other than ordinary maintenance, in Castleblayney, Ballybay or Clones in 2009. The Preliminary Report for the Castleblayney, Ballybay and Clones Sewerage Schemes, currently in draft format, will be formally submitted for approval to the DEHLG following the statutory EIS process. Preliminary Report approval is contingent on An Bord Pleanála's approval of the Environmental Impact Statement.*

7. Has the N R A been forthcoming with any decision regarding the need for improvements such as filter lanes, lighting etc on the Castleblayney By-Pass and what is the up to date situation?

Reply: *Monaghan County Council has been informed by the NRA that there is no funding at present to provide slip lanes and public lights at any of the junctions on the Bypass*

8. How much money and resources does Monaghan County Council spend annually on Emergency Planning & Exercises and is any such expenditure reimbursed by the Government?

Reply: *Monaghan County Council appointed an Asst Chief Fire Officer in July with responsibility for Major Emergency Management. One post was approved for each county by the Department to progress the implementation of the new Major Emergency Plan (MEP). The Council receive no specific funding for major Emergency Planning and Exercises.*

9. Will the Council provide a litter bin in Oram village, along the road from the housing estates to the school? Such a bin could be of a design only to take routine litter items that are presently being strewn all over the roadside.

Reply: *The Council will provide a litter bin in this area.*

Cllr J. Crowe asked:

10. Regarding the concerns of Doohamlet Development Association relating to traffic calming, street lighting along the Clenanore Road, safety improvements on the R183 near Tonnyglasson Cross and the need for directional signage to Doohamlet, what action is Monaghan Co. Council taking to address these very important issues?

Reply: *The County Council have received correspondence from the Doohamlet Development Association regarding 5 separate issues. These issues are under consideration and will be discussed at the next Road Area Meeting*

11. Will Monaghan County Council look at the possibility of traffic calming measures near Ballybay Community College because of cars racing at high speeds through the area?

Reply: *There is existing ladder markings to slow drivers down on the Carrickmacross side. In addition the roundabout at the Riverdale by its nature will slow drivers approaching from the town side. This is more than likely an enforcement issue as there are existing measures in the area to slow motorists down*

12. What safety plans (crash barriers etc) are being considered by Monaghan Co Council at Cornamucklagh on the Ballybay to Castleblayney road where a young mother and her one year old child almost died two months ago?

Reply: *There are no current plans at present to erect crash barriers at this location, however the County Council will carry out a safety audit of the site and subject to this report will review the situation*

Cllr N. Keelan asked:

13. (a) In relation to Inniskeen, approximately how many houses have been granted planning permission by Monaghan County Council in the village from January 2004 to date? Approximately how many houses will Monaghan County Council acquire under Part V for Social and Affordable housing?

Reply: *Planning permission has been granted for in excess of 100 houses in Inniskeen over the past five years. Monaghan County Council's Housing Strategy requires that 20% of all developments, consisting of more than 4 houses, must be provided for social and/or affordable housing. If all developments are to be constructed 10 social/affordable units could be provided for the Council.*

- (b) How many people are currently on the Social Housing waiting list for Inniskeen village and how many people are on our Affordable Housing waiting list for the village?

Reply: *There are 8 households on the waiting list for social housing and 6 households for affordable housing.*

Cllr N. Keelan asked:

14. What plans have Monaghan County Council to upgrade and resurface the Carrickmacross – Shercock Road R178? Have we any plans to upgrade some of the junctions on this road such as Corduff Cross, Boyle’s Cross at Rakeeragh and the junction at Corvalley?

Reply: *The Council has received an allocation from the Department of Transport for works on the R178 Carrickmacross Shercock Road. The Council intends to complete the works to West of Corduff Cross that were ongoing last year. Surfacing works are also planned for Corvalley. The Council will examine Corduff cross having regard to the available funding.*

The Council has received an allocation for a “low cost safety improvement Scheme” for Boyle’s Cross at Rakeeragh on the R178 Carrickmacross to Shercock route. It is planned to improve visibility at the junction with this funding.

15. In relation to Carrickmacross Town, what plans have Monaghan County Council to reinstate/overlay some of the approach roads to the town, such as the old Ardee Road and Ballybay Road as examples of roads that were damaged as a result of the ongoing works which are taking place in relation to the extension of the sewerage collection network? Will the Council ensure that the grass verges are also reinstated?

Reply: *It is intended that permanent reinstatement of all roads affected by the ongoing sewage network collection works will be reinstated back to their original condition when such works have been completed.*

16. When does the Council hope to carry out works at an accident black spot at Lisnafeddaly, Corduff Road LT40311.

Reply: *This LT40311 public road at Lisnafeddaly is not on the roads programme for 2009.*

17. Will the Council ensure that a public light is erected at the bridge on the Donaghmoyne Road? Was this work not the responsibility of the contractor that carried out the construction of the Carrickmacross By-Pass?

Reply: *Monaghan County Council has asked the contractor for the Bypass to get this light erected.*

Cllr R. Gallagher asked:

18. (a) With regard to the new Social Housing Investment Programme (SHIP) how does the Council intend to approach the new arrangements for the delivery of social housing whereby housing authorities may enter into long-term leases of private dwellings as a means of meeting housing need? What locations or towns, if any, is the Council considering for the development of this scheme?

Reply: *The Department of Environment, Heritage and Local Government has established a new leasing initiative for the delivery of social housing and has placed advertisements in the national press. Local Authorities have been requested by the DoEHLG to consider proposals from properties owners in line with this new initiative.*

Submissions which are now being sought from properties owners for the provision of suitable houses/apartments for occupation by social housing applicants, will be considered by Monaghan County Council, taking account of the demand for housing in the specific town.

(b) If there is no provision for tenants to purchase under this scheme would the Council contact the Department as a matter of urgency with a view to putting this provision in place?

Reply: *The Department of Environment, Heritage and Local Government has established this scheme and is fully aware of its provisions.*

19. Recent reports suggest that with regard to water supply an average of 40% leakage occurs from water mains and pipes nationally. What steps has the Council taken with regard to assessing and eliminating in so far as possible the waste of water through leakage?

Reply: *Monaghan County Council recognises that water conservation is an integral component of the Water Services Investment Programme and is a key to the sustainable use of water resources. Apart from environmental gains, the delivery of additional water supply through leakage control is a viable alternative to capital infrastructure provision. Water conservation also protects capital investment in water supplies and reduces operational costs.*

Ryan Hanley Consulting Engineers were formally appointed to advance the Co. Monaghan Water Conservation Project in June 2007. Monaghan Co. Co. established a water conservation office in Clones, February 2008. The project team includes staff from Monaghan Co. Co. and is appointed to progress the water conservation programme in the county. The project includes the establishment of in excess of 50 District Meter Areas in the county. Active leakage control has commenced on a number of DMA's. The project outputs include a requirement on the project team to implement measures and achieve optimum levels of leakage on

20% of DMA's as well as a requirement to identify any sections of network which may need rehabilitation.

Cllr R. Gallagher asked :

20. With regard to roadworks on the old N2 from Coolshannagh to the Four Seasons, is this project on schedule and when will it be completed?

Reply: *The North East Serviced Land Initiative is scheduled for completion in 2009. The excavation work on the old N2 from Coolshannagh to the Four Seasons is programmed for completion by the 27th March 2009. The project is currently on schedule and within budget.*

21. With regard to the welcome funding for Faulkland Bridge, how does the Council propose to proceed with the works and when is the likely start date?

Reply: *The Council propose to improve safety on the approaches to the bridge with this funding. Works are expected to commence in the second half of 2009.*

22. With regard to the welcome funding for the Killanny bridge works in Clara, how does the Council propose to proceed with the works and when is the likely start date?

Reply: *The Council propose to carry out repairs to the parapet walls and the underside of the structure. Works are expected to commence in the second half of 2009.*

Cllr J. O'Brien asked:

23. In relation to the Oram Church Hill group water scheme what is the up to date position in regard to funding for the upgrading of the scheme?

Reply: *Churchill Oram GWS have Tender Documents prepared to install Bulk meters and a telemetry system. It is proposed to proceed with this project subject to adequate funding being made available from the DoEHLG.*

24. What is the latest situation in regard to the introduction of the by laws for parking in Ballybay Main Street as there is a serious lack of parking?

Reply: *Correspondence has now been received from the Garda Siochana confirming no objection to the proposals. It is the councils intention to have the markings and associated signage completed by end March early April.*

Cllr J. O'Brien asked:

25. What is the up to date position on funding for the main street of Castleblayney and the roads around the town that have been damaged from the construction of the by pass?

Reply: *The NRA has advised that of the funding allocated to the Castleblayney Bypass this year, €100,000 can be allocated towards the rehabilitation of the road network. It was agreed at a recent Road Area Meeting that this money should be allocated to resurfacing works on the old N2 route in the town between the roundabout and Lidl.*

26. When does the Council intend to start the demolition of the buildings and construction of the Clones Road junction in Main Street, Ballybay?

Reply: *Planning permission to demolish the building and carryout the works is required as soon as this is completed the works will be programmed for completion this year. It is expected that the earliest that works can commence will be August this year.*

27. **Cllr. Carthy asked:** (this question had been carried forward from the February agenda)

“How many building/construction contracts has Monaghan County Council awarded since 2004? Of these how many successful applicants were recorded as being companies based in County Monaghan?”

Following are details of all building/construction contracts awarded, since 2004.

Roads - 57 Contracts awarded in total outlined as follows:

Year	Monaghan-based companies	Other	Total
2004	2	1	3
2005	3	6*	9
2006	17	3	20
2007	13	2	15
2008	6	4	10
	41	16	57

*Includes 2 Contracts for Major National Road Schemes

Housing – 26 Housing Construction Contracts

Year	Monaghan-based companies	Other	Total
2004	3	3	6
2005	3	3	6
2006	5	1	6
2007	5	0	5
2008	1	2	3
	17	9	26

Excludes 17 contracts for playground equipment upgrades from 2006-8 awarded to contractors outside the county.

Environment – 3 contracts on landfill remediation; 1 on Materials Recovery Facility

Year	Monaghan-based companies	Other	Total
2004	1	1	2
2005	0	0	0
2006	0	2	2
2007	0	0	0
2008	0	0	0
	1	3	4

Water Services – 67 contracts - excludes Group Water Scheme Projects

Year	Monaghan-based companies	Other	Total
2004	7	3	10
2005	5	1	6
2006	9	7	16
2007	7	9	16
2008	8	11	19
	36	31	67

19. Votes of Sympathy/Congratulations:**The Council agreed to extend votes of sympathy to the following:**

- *Mr. Henry Conlon, Cortaghart, Latton, (Council employee) on the death of his wife Rose Conlon, R.I.P.*
- *Senator Diarmuid Wilson on the death of his mother Teresa Wilson, R.I.P.*
- *Ms. Ann Murray and Ms. Martina McKearney, Council employees on the death of their mother, Mrs. Philomena Brennan, R.I.P.*
- *Mr. Patsy Treanor, Latlurcan, Monaghan, (former Member of the Council) on the death of his brother Johnny Treanor, R.I.P.*

The Council agreed to extend votes of good wishes and a speedy return to good health to the following:

- Mrs. Bridget Keelan, mother of Cllr Noel Keelan and
- Patrick Jones, Tonaneave, Magheracluone, former member of the Council

The Council agreed to extend votes of congratulations to the following:

- *The Monaghan County Vocational Schools Football team on reaching the All Ireland Vocational Schools Final by beating the Cork champions in the semi-final of this competition.*
- *The Monaghan Ladies football team on their great win over Galway and thus securing a place in the national league quarter finals.*
- *Ms. Charlene McKenna, Glaslough on receiving an Irish Film and Television Award (IFTA) recently.*
- *Tommy Bowe on a fine performance against England in the Rugby Six Nations Cup and thereby doing his country, county and parish of Emyvale proud.*
- *Andrew Myles, 19, Killyconnigan, Monaghan, a student of Beech Hill College on winning the “Evans World Book Day Short Story Competition” and being the only Irish winner in the secondary schools category.*
- *Ciara McAnespie, on winning the Vodaphone Ladies Footballer of the Year 2008 award.*

It was agreed that Ciara McAnespie would be nominated for an award under the Monaghan County Council Award Scheme 2008.

20. Conferences:

On the proposal of Cllr McElvaney, seconded by Cllr P. McKenna, it was agreed that the Council be represented at the following conferences by the Members listed.

Promoting Authority	Subject/Theme	Venue	Dates	Members
LAMA	Annual Spring Seminar 2009	Heritage Hotel, Portlaoise	16 th -17 th April, 2009	David Maxwell Hugh McElvaney John Keenan Vincent P. Martin Jackie Crowe John O'Brien Padraig McNally
Rattoo Heritage Society	Environmental Recognition Conference	Golf Hotel, Ballybunnion. Co. Kerry	4 th – 8 th March, 2009	Owen Bannigan David Maxwell Gary Carville Robbie Gallagher Benny Kieran

20. Conferences (contd):

Clonakilty Chamber of Conference	Tourism Conference	Celtic Ross Hotel, Rosscarbery, West Cork	6 th -8 th March, 2009	Pat McKenna Hugh McElvaney John Keenan Seamus Coyle John O'Brien
Kerry Literary & Cultural Centre	Economic & Social Benefits of Preserving our Cultural Heritage	Listowel Arms Hotel, Listowel	26 th – 27 th March, 2009	John Keenan Pat McKenna Owen Bannigan Pat Treanor Benny Kieran Padraig McNally
Association of Co. & City Councils	Annual Conference	Kilkenny Ormonde Hotel	2 nd /3 rd April, 2009	Heather Humphreys Hugh McElvaney David Maxwell Vincent P. Martin Brian McKenna Robbie Gallagher Seamus Coyle
Comhdhail na Gaeilge		Four Seasons Hotel, Monaghan	19/20 th March, 2009	Gary Carville Heather Humphreys Seamus Coyle Robbie Gallagher All Sinn Fein Members

The meeting then concluded.

Signed:

Meara

Meetings Administrator

Date
