

Minutes of Council Meeting held in the Mtek Building, Knockaconny, Monaghan on Monday 5th March, 2007 10.00 a.m.

Chair: Cllr P McNally, Mayor

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

Mr. D. Nelson, County Manager, Mr. M. Fitzpatrick, Mr. P. Clifford, Mr. A. King, Mr. D. Fallon, Directors of Service, Mr. J. Murray, Head of Finance, Mr. D. Hurley, Executive Planner, Mr. S. MacConghail, Ms. C. Thornton, Meetings Administrator and Ms. A. Mackle, A/Staff Officer.

1. Minutes:

“ On the proposal of Cllr Coyle, seconded by Cllr Treanor it was agreed that the minutes of the Council meeting held on Monday 5th February, 2007 be confirmed ”

2. Correspondence:

The following correspondence was circulated to Members:

- Letter from Jennifer Cremin, Programme Division of the National Roads Authority regarding National Roads Turning Lanes
- Letter from Cathy Bruton, Private Secretary to Mr Dick Roche, TD, Minister for the Environment, Heritage and Local Government stating they had forward correspondence regarding the ESB to Mr Noel Dempsey, TD, Minister for Communications, Marine and Natural Resources.
- Letter from Cathy Bruton, Private Secretary to Mr Dick Roche, TD, Minister for the Environment, Heritage and Local Government acknowledging receipt of a letter in connection with the Non National Road Allocation.
- Letter from Theresa Laverty, Secretary for Fort Augustus Irish Descendants Group extending an invite to the members to their annual Irish Settlers Day.
- Letter from Liam Kenny, Director of the Association of County and City Councils regarding a motion about dangerous dogs.
- Letter from John Briggs, Clerk and Chief Executive (Acting) of Armagh City and District Council regarding the location of Royal Irish Fusiliers Museum in Armagh.
- Letter from Mr Martin Shannon, Head of News on Northern Sound Radio, thanking the Members for their good wishes on his new appointment.
- Letter from Mr Mark Greenan, Chairman and Ben McCrudden, Secretary of Killylough Tug-of-War Club thanking the members for according them a Civic Reception.

- Letter from Carina O'Donoghue, Private Secretary to Minister for Communications, Marine and Natural Resources, Mr Noel Dempsey, T.D, acknowledging receipt of a letter regarding the ESB.
- Letter from Jennifer Cremin, Programme Division of the National Roads Authority regarding the Damage to roads caused by the Castleblayney Bypass.

NRA Correspondence Re Castleblayney Bypass – Damage to Roads

A number of Members expressed disappointment at the figure of €82,000 being allocated by the NRA and were critical and called on the NRA to substantially increase the amount. It is estimated that funding in the region of €5.5m is required to bring the damaged roads up to the standard they were in before works commenced on the bypass - this figure relates to the Castleblayney area, many roads in the south Monaghan area were damaged also.

On the proposal of Cllr Coyle seconded by Cllr O'Brien it was agreed to seek an urgent meeting with the NRA to get a proper allocation of funds which will address the damage that has been done to county roads.

On the proposal of Cllr Carville, seconded by Cllr Bannigan it was agreed that this Council writes to seek an urgent meeting with Minister Roche (Environment), Minister Cullen (Transport) and Minister Cowan (Finance) to pursue the urgent case for funding for repair of roads damaged by works on the Castleblayney bypass and identified and costed by the engineering staff of this Council.

On the proposal of Cllr Crowe, seconded by Cllr Keelan it was proposed that when bypasses are being constructed in the future, that a figure of 5% is set aside to repair the damage to roads which is a direct result of the construction of the bypass and that this should apply to the Castleblayney bypass project ”

Responding to the debate Mr. David Fallon, Director of Services Roads, said the damage caused to the local roads is part of the bypass scheme. The Area Engineers are currently preparing an assessment of the damage and this will be completed shortly. Compensation received in respect of the Carrick across scheme was approx. €300,000 and the Council had expected 2/3 times more for the Castleblayney project. The NRA provides funding for national strategic routes and damage to other roads as a result of works on bypasses should be included in the overall cost of bypass projects.

Letter from Association of County & City Councils:

On the proposal of Cllr B. McKenna, seconded by Cllr Carville it was agreed to adopt the motion from the ACCC calling for existing dog control legislation to be changed to provide for an outright ban to be applied to certain dangerous breeds of dogs such as pit bull terriers.

Invitation to the Annual Irish Settlers Day in Prince Edward Island.

“ On the proposal of Cllr B. McKenna, seconded by Cllr McElvaney it was agreed to accept the invitation from Fort Augustus Irish Descendants Group to participate in the Annual Irish Settlers Day celebrations in Prince Edward Island and that the Council be represented by the Mayor, one member from each political grouping and an official”

Seachtain na Gaeilge:

Cllr Pat Treanor referred to the launch of Seachtain na Gaeilge at the weekend and commended everyone involved in the project. He highlighted events which had taken place at the weekend and paid tribute to Pol O Clerigh, Oifigeach Gaeilge on his input into the project. Cllr Treanor referred to the Official Languages Act which requires the Council to prepare a scheme to promote the use of the Irish language through out the county for the next three years.

Cllr Carville referred to the “Diospoireacht as Gaeilge” which took place annually at Council meetings in the past and requested that this be re-activated. He proposed that it be placed on the agenda for the April meeting.

3. Part VIII – Local Government (Planning & Development) Regulations 2001:

- (i) **“06/8013 – Development of a 5000m³ water reservoir and a building to house water treatment equipment, connection to public services, erection of boundary fencing and all associated site works at Naffarty, Carrickmacross.**

“ Cllr McNally proposed, Cllr Gallagher seconded that the Council approve the proposed development as per Director’s report dated 26th February 2007 ”

Cllr Martin stated that whilst he appreciated the need for the scheme the Department of the Environment had commented on the proposed development being located within 10 metres from a recorded monument (a ringfort). He proposed that an alternative site be located for the development.

Cllr McNally stated that the existing reservoir has been located on this site for many years and any new reservoir needs to be located on an elevated site. In his opinion the need for water is more important than the need to protect a ringfort of which there are approx. 1100 in the county. The existing reservoir has only got a two hour storage capacity at peak times.

Mr. P. Clifford, Director of Water Services stated the Council is conscious of the importance of protected structures. All alternative options have been explored in this instance. The boundary of the proposed development is located 10m from the protected monument and the proposed treatment plant is to be located 95m from

the boundary of the monument, which is 25m further away from the monument than the existing reservoir. An archaeological assessment will be carried out at the site and if there are any historical finds the work will be halted.

A vote by show of hands on Cllr McNally's proposal resulted in 18 for 0 against 1 abstention.

(ii) *“06/8011 – provision of signage on Ballybay Town Library which is a protected structure ”*

On the proposal of Cllr Crowe, seconded by, Cllr O'Brien it was agreed to approve the proposed development as per Director's report dated 26th February 2007”

4. To fill vacancy on the Housing & Corporate Services SPC:

“ On the proposal of Cllr Carthy, seconded by Cllr Maxwell- it was agreed to approve the nomination of Mr. Thomas Freeman, Scalkill, Magheraclone, Carrickmacross to the Housing and Corporate Services SPC replacing Mr. Ultan Morris who has resigned from the Committee ”

5. To approve recommendations from the Corporate Policy Group:

Lisnagrieve Pipe Band: Cllr Crowe stated that he had been approached by this band seeking an increase in the proposed allocation of €500. It was agreed to refer the matter back to the Corporate Policy Group for consideration at the next meeting.

On the proposal of Cllr Carthy, seconded by Cllr Carville it was agreed to ringfence, at budget time, an amount of money for bands in the county.

On the proposal of Cllr Carville, seconded by Cllr Maxwell it was agreed to approve the recommendations from the Corporate Policy Group meeting held on 19th February, 2007.

With reference to a recent advert regarding the setting up of a database of bands in the county it was agreed that the Arts Officer would make contact with those bands who had applied for grants under the Arts Act and advise them of the purpose of the advert.

Cllr Gallagher suggested that where bands have received funding from any of the Monaghan Local Authorities that they should attend the St. Patrick's Day parades within the county.

6. To nominate representative to the Disability Act Steering Committee:

Following a short discussion it was agreed that Cllrs Conlon, Carville and Kieran be nominated to sit on the Disability Act Steering Committee.

Cllr Carthy suggested that the Committee would look at the possibility of extending representation from the Disability sector.

7. Report on Traffic Calming sites:

Mr. D. Fallon, Director of Services Roads referred to the report circulated in relation to the lighting of bollards at traffic calming sites.

A number of members referred to the dangers of unlit bollards, particularly on the Monaghan road out of Castleblayney. They also referred to the fact that bollards at Clontibret, Latlorcan and on the Monaghan bypass had not been mentioned in the report.

On the proposal of Cllr McElvaney, seconded by Cllr Carville it was agreed that a full detailed report on this matter be prepared for the next meeting of the Council and that the matter be kept on the Council agenda until such time as all bollards are in proper working order.

8. Donaghmoyne GWS – Report from T.J. O’Connor, Consultants:

The Members held a discussion on a report circulated with the agenda by T.J. O’Connor & Associates, Consulting Engineers in relation to the proposed Donaghmoyne GWS Treatment Plant.

Cllr Bannigan proposed, Cllr Keenan seconded

“That this Council resorts back to the original motion adopted on 06/02/2006

“That Monaghan County Council ask Donaghmoyne Group Water Scheme to make their tender documents available to T.J. O’Connor and associates to allow them examine them and to make a presentation to Monaghan County Council so that comparisons can be made”

This Council now requests T.J. O’Connor and Associates to attend a meeting of Monaghan County Council within one month of to-day in order to discuss the document circulated to us to-day, and we further offer the Donaghmoyne group Water Scheme through their consultants Doran Consultancy the opportunity to attend and reply to the O’Connor report”

Cllr Bannigan said that he wanted an opportunity to prove that the figures in the document issued by TJ O’Connor were misleading and the reason Donaghmoyne had not joined the group water scheme was because of the cost and type of the treatment system.

Cllr B. McKenna said that as Chair of the Local Water Monitoring Committee he could not support this proposal. Donaghmoyne GWS had chosen to stay out of the

bundle. Every scheme in the county is now providing water that meets EU Drinking Water Quality Standards except Donaghmoynne. The Donaghmoynne GWS had attended a meeting with Government officials in October 2005 to discuss applying as a single DBO, however they were told they would not be successful because they had not followed proper procurement procedures. The Department officials confirmed following that meeting that Donaghmoynne did not comply with Government procurement procedures and that they should not continue with the proposed works. It is not within the Council's remit to change or bend the rules.

Cllr Keenan stated that as a board member of the Donaghmoynne GWS he was not happy with this matter being discussed in public until both sides were present.

Mr. P. Clifford, Director of Water Services referred to written communication from the Department dated 15th November 2006 confirming that Donaghmoynne were not eligible for grant aid as they had not complied with Department procurement procedures. The Council had to issue boiling notices in recent times in respect of this scheme as the analysis reports on the water sampled from the GWS revealed that it is not fit for human consumption due to the presence of coliforms and clostridia.

In response to queries from Cllr Bannigan, Mr. P. Clifford said no operation/maintenance contracts had been signed by the groups participating in the DBO bundle because they are currently under discussion. No scheme has withdrawn from the bundle. While Monaghan County Council was asked to initiate the procurement procedure by Donaghmoynne GWS, because the GWS had not adhered to the procurement procedures set out in the DoEHLG's *Guidance Document for the Procurement of Small Water Services Schemes*, the Council could not assist them or sit on any interview panel.

Cllr McElvaney stated that there is a major question mark over the Council's Consultants in this case. Donaghmoynne were given the choice to join the bundle or go it alone. They took the decision to go it alone and can produce water a lot cheaper than the bundled scheme. He would be in favour of a meeting of both sides.

The Mayor said he received numerous telephone calls from people complaining about the water quality in Donaghmoynne and he had witnessed it first hand and in his opinion bringing the two consultant firms together would achieve nothing.

Mr. D. Nelson, County Manager rejected the comment of Cllr McElvaney in relation to the Council's Consultants, who were an extremely reputable firm. He has no reason to doubt the accuracy or the authenticity of the report. The situation in relation to Donaghmoynne GWS has been well documented in the past. The Council would stand on its record in the production and supply of water. There are stringent rules relating to procurement – if the Department fail to comply with the procurement rules they can be taken to court by the EU in Brussels. There may come a time in the near future that Monaghan County Council will have to take

action against Donaghmoyne GWS for failure to supply potable water. He suggested that the Consultants report be forwarded to the Donaghmoyne GWS for their comments.

A roll call vote on Cllr Bannigans proposal resulted in 7 For and 11 Against, 1 abstention.

For: Cllrs Bannigan, Carville, Humphreys, Keenan, Maxwell, McElvaney and P. McKenna. Total 7

Against: Cllrs Carthy, Coyle, Crowe, Gallagher, Keelan, Kieran, McAnespie, B. McKenna, McNally, O'Brien and Treanor. Total 11

Abstention: Cllr Martin Total 1

The Mayor declared the motion defeated.

On the proposal of Cllr Bannigan, seconded by Cllr McElvaney it was agreed to send the T.J. O'Connor report to Donaghmoyne Group Water Scheme and ask for their comments in advance of the April Council meeting.

It was also agreed that T.J. O'Connor & Associates be invited to attend a subsequent Council meeting to make a presentation to the Council.

12. Matters arising out of the minutes of 5th February 2007:

New Council Offices

Cllr McElvaney asked for the following sentence to be amended as indicated

“Some Members felt that current Glen Road accommodation should be offered to a Government Department as part of their decentralisation program as this would offer a guaranteed income” to include the wording *“to the county”*. This was agreed.

16. Questions

Cllr Benny Kieran asked

What plans has Monaghan County Council to combat the damage being caused by lime in the water supply in the Scotstown, Ballinode area to electrical and plumbing equipment and concerns due to the high level of lime for health reasons?

Reply – Monaghan County Council has requested a report from its Consultants in relation to the installation of a water softener at Crosses, (which would cater

for the complete Monaghan Water Supply Scheme). Upon receipt of this report it will be submitted to the Department of the Environment, Heritage and Local Government for consideration and approval for funding. There are no health implications from using hard water and the Monaghan Water Supply Scheme is in substantial compliance with European Communities (Drinking Water) Regulations 2000 as confirmed in the recently published E.P.A. Report on the Quality of Drinking Water in Ireland, 2005.

Cllr Gary Carville asked

(i) What measures will be carried out to improve the dangerous stretch of road on the N2 between Annyalla and Castleblayney and specifically, will the dangerous bend at Drumquill be removed using the funding made available by the NRA in 2007? There have been too many fatal accidents at this point of the road.

Reply: The 2007 funding will be used to resurface sections of the road between Annyalla and Castleblayney. The resurfacing will improve the road drainage, improve the crossfall of the road and will provide new road markings to national road standard. The NRA funding available in 2007 is for resurfacing works and cannot be used to ease bends or realign the road.

In August 2007 the Castleblayney - Clontibret road realignment will be open to traffic and the existing N2 national primary route between Castleblayney and Annyalla will be reclassified as a local road with consequent reduction in vehicle speed. The overlay works proposed in 2007 will provide better definition to the road and will improve road safety on this section of road for local road users.

(ii) How much funding does Monaghan County Council have currently in Capital Funds for the purpose of public lighting, footpaths etc in each electoral area, such funds having been derived from Planning Contributions and how much of such funding has been utilised during the past three years?

Receipts & expenditure for Capital Contributions, Footpath & Lighting

	Receipts 1999 – 2004	Receipts 2005	Receipts 2006	Total Receipts per Area	Exp 2004	Exp 2005	Exp 2006 per area	Balance per Area
Nth Mon	€70,211	€4,050	€18,879	€93,140	€20,978		€75,752	€166,410
Cby	€84,500	€100,913	€134,250	€319,663		€3,900	€32,393	€3,370
NB	€6,905	€2,220	€7,777	€16,902				€104,902
CMX	€65,310	€1,660	€6,650	€73,620			€45,544	€148,076
Total Receipt	€226,926	€108,843	€247,556	€583,325				
Total Exp				€68,567	€20,978	€3,900	€53,689	
Excess of Income over Exp				€514,758				€514,758

Cllr Owen Bannigan asked

What social and affordable houses will become available under Part 5 in the Mid Monaghan area during 2007?

Reply –

	Social Houses for Completion 2007	Affordable Houses for Completion 2007	Social Houses/ Apartments to start in 2007	Affordable Houses to start in 2007	Total
Annyalla	8		2	8	18
Rural House					
Ballybay			16		16
Total	8		18	8	34

Cllr V.P. Martin asked

- (i) How much monies in total were paid by Monaghan County Council to consultants, other experts, design teams, commissioning reports, feasibility studies, drawing up plans and scaled models, environmental impact studies if any, and all other costs including legal and administrative etc in connection with preparing and advancing the proposal to build and/or upgrade new county council offices at the Glen Site, Cootehill Road, Monaghan

Reply - €1,424,368.50 was spent by Monaghan County Council during the preliminary and detailed phases of the Glen Road project. This expenditure has resulted in the detailed design of a building, to tender stage and for which full planning permission has been attained, which is suited for various uses such as decentralisation of a government department. The existence of this detailed design will add value to the current County Offices site.

- (ii) Were any of these preliminary investigations/reports/planning related matters grant aided by the Dept. of the Environment?

The design/construction of offices for a local authority are not grant aided by the Department of the Environment Heritage and Local Government.

- (iii) How and when was this said proposal formally abandoned?

The selection of the site for the proposed new County Offices for Monaghan County Council was reviewed initially by a sub committee of the Council.

Increased staff Members from 2001 to 2007 and the need to enhance facilities for customers and Elected Members required a much larger building. Subsequent to the placing of adverts in the local press seeking proposals from landowners in the Monaghan Town area for a suitable site, four potential sites were identified.

These were:

- *Monaghan County Council Machinery Yard Site*
- *Existing County Offices Site at the Glen Road*
- *Monaghan Town Council site on “O Neills Farm” off the Monaghan Town Bypass*
- *Monaghan Town Council site adjacent to Health Service Executive lands at Old Cross Square*

The elected members of Monaghan County Council formally agreed to proceed with the O Neills Farm site at the February 5th, 2007 Council Meeting.

Cllr Noel Keelan asked:

- f. In relation to the development adjacent to the Ardee Road in Carrickmacross, when will two way traffic and the footpaths be re-instated as this development is causing much inconvenience for people living in that area?

Reply - This works is being undertaken by a private party as part of the development of the Shopping Centre. The works currently being undertaken are under Roads licence issued by Monaghan County Council. The licence is subject to conditions relating to traffic management and Health and Safety.

- g. In the interest of road safety when will something be done with the slip roads onto the Carrickmacross By Pass. There is a risk of a serious accident taking place if something is not done immediately?

Reply - A road safety audit undertaken on the Carrickmacross bypass has highlighted a road safety issue caused by inappropriate driver behaviour on the northbound slip lane of the Northern Interchange. A proposal has been agreed with the contractor which will remedy this problem. An instruction has been issued and the works are scheduled for construction in the coming months.

- h. When will the Donaghmoynne road improvement works be completed and also the ongoing problems at the Cloughvalley junction, which is causing some flooding for the people living in the Railway Court area?

Reply - The Contractor has indicated he will return to complete this work in the next few weeks.

14. Presentation from the Football Association of Ireland (FAI)

The Mayor welcomed Mr. John Delaney, CEO, Packie Bonner, Richard Fahey, John Byrne, Project Manager, Declan Conroy and Bob Breen from the Football Association of Ireland and Mr Eddie Murray, Monaghan United Soccer Club.

Mr. John Delaney, CEO thanked the Council for the opportunity to attend this meeting. He outlined their new innovative schemes in partnership with the local authorities. He then outlined some of the FAI's present and future development plans which included the role the voluntary sector in developing sport, the implementation of their technical plan, their international programme, community investment and their regional programmes. The FAI offer advisory assistance to various groups and hoped to develop a partnership on a formal basis. The purpose of the presentation to the Council is to seek funding for the employment of a Development Officer for County Monaghan, on a partnership basis between the County Council and the FAI. The cost to the Council is €26,000 per annum and he suggested that the Members consider buying in to the programme on a pilot basis for twelve months initially.

The County Manager thanked the FAI members for their presentation. Initially he was approached by Mr. Gerry McDermott seeking permission to make a presentation to the Council. However given the relationship between Monaghan Town Council and Monaghan United F.C. it was felt a presentation to the Town Council would be useful. However given that the FAI were proposing to seek part funding for a new staff appointment, it was important that they would make a presentation to the County Council and the Town Council Members as this was a county wide issue. He referred to the Sports Partnership which was up and running in the county and apologised for Michelle Murphy, Co-ordinator, who was unable to attend this meeting.

The FAI replied to queries raised by the Members. The Mayor said the proposal could be placed on the April agenda for the consideration of the Members. This was agreed

The Members and County Manager thanked the FAI for an excellent presentation.

15. Presentation from Tony McNally/ Alan Barr, NS Share regarding Water Framework Directive

The Mayor welcomed Mr. Tony McNally and Alan Barr Consultants and invited them to make a presentation to the meeting.

Mr. Tony McNally stated that the purpose of the presentation is to apprise the members of the fact that, as part as part of the process of preparing a River Basin Management Plan for the Neagh-Bann and North West River Basin districts a

Significant Water Management Issues Report (SWMI) is being prepared. The report must be completed by June 2007 and will be used during the public consultation process. He gave an outline of how Ireland is divided into River Basin districts and how some areas are more affected by pollution than others.

Mr. Alan Barr said up to now their study have been mainly scientific, however they are now undertaking a consultative process and gathering the views of the Members and the general public of the region. The first measure of reaction was to the Nitrates Directive, the next will be water investment programme/sewerage.

The Members put forward a number of queries to which Mr. McNally and Mr. Barr responded.

The Mayor thanked both gentlemen for their presentation.

Conferences:

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

16. Conferences:

Promoting Authority	Subject/ Theme	Venue	Dates	Approx. cost per member	Members Selected
The Sunday Business Post & iQuest	2nd National Infrastructure Summit	Croke Park Convention Centre, Dublin	13th & 14 th March 2007	€1,240	David Maxwell Pat Mc Kenna Owen Bannigan Vincent P. Martin
Department of the Environment, Heritage & Local Government, and the RIAI	Transforming the Irish Housing Environment	Crowne Plaza Hotel, Santry, Dublin	25 th – 27 th March 2007	€930	Gary Carville Pat Mc Kenna Heather Humphreys Owen Bannigan Hugh McElvaney Vincent P. Martin John O' Brien Seamus Coyle Robbie Gallagher Benny Kieran Padraig McNally
Safe Driving Pledge Ltd.	Death on our Roads – Community Action	Old Ground Hotel, Ennis, Co Clare	28 th – 30 th March 2007	€940	Jackie Crowe John Keenan
Rattoo Heritage Society	Kerry Environmental Conference – Death on our Roads - National Community Forum – Preserving our Heritage	Golf Hotel, Ballybunion, Co Kerry	28 th March – 1 st April 2007	€1,360	Matt Carthy David Maxwell Gary Carville Pat Mc Kenna Owen Bannigan Hugh McElvaney Vincent P. Martin John O'Brien Seamus Coyle Robbie Gallagher Benny Kieran Padraig McNally

Conferences (contd)

Promoting Authority	Subject/ Theme	Venue	Dates	Approx. cost per member	Members Selected
Sherkin Island Marine Station	Re: 23 rd Annual Environmental Conference – “Enforcement of Environmental Regulations”	Carrigaline Court Hotel, Carrigaline, Co Cork	29 th & 30 th March 2007	€982	Sean Conlon

Votes of Sympathy/Congratulations

On the proposal of Cllr McElvaney, seconded by Cllr McNally it was agreed to extend a vote of sympathy to the Toal family, Tulleevan, Smithboro on the death of Patricia Toal widow of the late Peter Toal, former member of Monaghan County Council.

The Members agreed to extend a vote of congratulations to

- St. Louis Convent U-19 team on retaining their Ulster “A” title.
- Largy College girls U-19 team on winning the Ulster “B” title.
- St. Macartans McGrory Cup team on reaching the final.
- Martin McAviney on his election as treasurer of the Ulster Council of the G.A.A.

Signed: _____
Meara

Meetings Administrator

Date: _____
