

Minutes of Meeting of Monaghan County Council held in the Mtek Building, Armagh Road, Monaghan on Monday 1st November, 2010 at 10.00 a.m.

Chair: Cllr J. Crowe, Mayor.

Present: Cllrs. Bannigan, Carthy, Conlon, Connolly, Coyle, Gallagher, Humphreys, Keelan, Maxwell, McElvaney, B. McKenna, S. McKenna, McNally, Murray, O'Brien, P. Treanor and S. Treanor.

Mr. D. Nelson, County Manager, Mr. P. Clifford, Mr. A. King, Mr. D. Fallon, Directors of Service, Mr. J. Murray, Head of Finance, Mr. A. Hughes, Senior Planner, Mr. Toirleach Gourley, Senior Executive Planner and Ms. D. Kierans, Executive Planner, Ms. N. Woods and Ms. R. McManus, Senior Executive Officers and Ms. C. Thornton, Meetings Administrator.

Apology: Cllrs Carville and O'Hanlon.

Cllr McElvaney proposed, Cllr McNally seconded that the sympathy of the Council be extended to the family of the late John B. Fitzpatrick, Scotshouse, a former Member of Monaghan County Council. This was agreed.

The Mayor and a number of members joined in the expression of sympathy to Mr. Fitzpatrick's family.

The County Manager associated himself with the vote of sympathy on behalf of the staff.

All present observed one minute of silence. It was also agreed that the meeting would adjourn for five minutes as a mark of respect.

1. Minutes:

- (i) *On the proposal of Cllr McElvaney, seconded by Cllr Connolly it was agreed that the minutes of Council Meeting held on Monday 4th October, 2010 be confirmed.*
- (ii) *On the proposal of Cllr Connolly, seconded by Cllr McElvaney it was agreed that the minutes of the Adjourned October meeting held on Monday 18th October, 2010 be confirmed.*

2. Correspondence:

The following correspondence was circulated to the Members:

- Letter from the Office of the Minister for Enterprise, Trade and Innovation advising that the Minister is unable to meet with a Council deputation to discuss economic issues relating to Co. Monaghan.
- Letters from Deputy Margaret Conlon and Deputy Caoimhghin Ó Caoláin in relation to Ballinacarry Bridge.
- Resolution from Clones Town Council calling for a review of the application of the Habitual Residence Conditions for social welfare claimants.
- Letter from Coillte Teoranta regarding future planting in Co. Monaghan.
- Email received by Cllr Gallagher in relation to visit of Mayor Rony Molina to County Monaghan.
- Letter from the Institute of Public Administration offering local Councillors a one year Certificate course in Irish Government and Politics.

Proposals arising out of correspondence:

On the proposal of Cllr Treanor, seconded by Cllr Crowe it was agreed that the Council support the motion from Clones Town Council calling for a review of the application of the Habitual Residence Condition for social welfare claimants, in light of anomalies arising for the border community and asks the Department of Social Protection to work with the Department of Social Development in the North with a view to establishing an All Ireland Taxation and Social Welfare System.

On the proposal of Cllr Gallagher, seconded by Cllr Maxwell it was agreed that the Council would host a reception to honour Mayor Rony Molina on Tuesday 7th December, 2010.

On the proposal of Cllr Conlon, seconded by Cllr B. McKenna it was agreed that the Council write again to Minister Batt O’Keeffe, T.D., requesting that he meet a deputation from the Council to discuss economic development/job creation in County Monaghan.

3. To approve Overdraft Accommodation:

On the proposal of Cllr McElvaney, seconded by Cllr Connolly it was agreed that the Council approve of Overdraft Accommodation in the sum of €10m for the period 1st January to 31st December, 2011.

4. To consider a material contravention of County Development Plan 2007-2013

The Members considered the Manager’s report dated 28th October, 2010 in relation to planning application 10/179 - development of a manufacturing and light industrial scheme at Tullygrimes, Monaghan which contravenes the County Development Plan 2007-2013.

Mr. T. Gourley, Senior Executive Planning, advised the members that the Manager's Report recommended granting planning permission for the proposed development by way of material contravention of the Monaghan County Development Plan 2007-2013 would not be contrary to any relevant Ministerial guidelines, any relevant policies or objectives of the Government, or the Regional Planning Guidelines for the Border Region 2010-2022. The Report recommended that permission is granted for the development subject to 15 conditions outlined in the report.

Cllr Maxwell proposed, Cllr Conlon seconded that the Council approve a material contravention of the County Monaghan Development Plan 2007-2013 to grant planning permission for development at Tullygrimes, Monaghan (Ref 10/179).

A vote by show of hands resulted in 17 for, Nil against. The Mayor declared the motion carried as it had received the consent of three quarters of the total membership of the Council.

5. Extension of Duration of Planning Permissions:

Mr. A. Hughes, Senior Planner referred to the report circulated in relation to the extension of duration of planning permissions under the Planning and Development (Amendment) Act 2010.

A number of members expressed their disappointment at the terms of the legislation which would be of little benefit to the people in rural areas.

On the proposal of Cllr Gallagher, seconded by Cllr Connolly it was agreed that the Council write to the Minister for the Environment, Heritage and Local Government expressing its frustration with the terms of Planning and Development (Amendment) Act 2010 in so far as it relates to the extension of duration of planning permissions.

Cllr McNally proposed that the Council's Planner draws up a detailed and considered response highlighting the situation that exists in Co. Monaghan having regard to the large number of single applicants granted permission.

Mr. P. Clifford replied that this request would put the Planners in a very invidious situation. The Planning Authority must have regard to and implement Government policy.

Cllr McElvaney proposed, Cllr Bannigan seconded that the Council seek a meeting with the Minister for the Environment, Heritage and Local Government to discuss this important matter. This was agreed.

6. To adopt the Draft Anti Social Behaviour Strategy:

Cllr M. Carthy, as Chair of the Housing SPC, referred to the report and draft Anti Social Behaviour Strategy which had been circulated with the agenda for the meeting. He stated that the principal objectives of the strategy are –

- (a) the prevention and reduction of anti-social behaviour
- (b) the co-ordination of services within the housing authority that are directed at dealing with, preventing or reducing anti-social behaviour
- (c) the promotion of co-operation with other persons/bodies, including the Garda Siochana, in the performance of their respective functions in relation to preventing/ reducing anti-social behaviour, in order to avoid or reduce duplication of effort between the housing authority and the other person/body in performing their functions; and
- (d) the promotion of good estate management.

Cllr Carthy proposed that the draft Anti Social Behaviour Policy be adopted, as presented. Cllr Murray seconded the proposal.

Following a discussion on the draft policy document, to which a number of members contributed Mr. A. King responded to issues raised by the Members. He stated that circa 3,500 houses will be covered by the policy document – this includes houses owned or estates built by the Council at any time in the past.

Cllr. Carthy paid tribute by the work undertaken by Ms. Rosemary McManus, Senior Executive Officer, Housing Section over the last number of years. He wished Ms. McManus every success in her new position as SEO Human Resources. He welcomed Ms. Nuala Woods, SEO to Housing Section and looked forward to working with her over the coming years. A number of members joined in the sentiments expressed by Cllr Carthy.

7. Report on traffic roundabout at Old Cross Square, Monaghan:

The Mayor welcomed Mr. Garreth McMahan, Engineer, Monaghan Town Council to the meeting. He invited Mr. McMahan to brief the Council on the recently constructed roundabout at Old Cross Square, Monaghan town. Mr. McMahan outlined the background to the project, including specific details relating to the design of the roundabout; the benefits that would result from its provision; and its strategic importance in terms of future usage. He stated that the provision of the roundabout at this location has helped resolve two significant existing traffic management problems namely vehicle speed and access to Rooskey, Monaghan Harps GFC and Monaghan Bottlers. He further stated that the project has not been completed and there are still some adjustments being made. A detailed report was circulated to all present.

Following a debate on the matter Mr. McMahon responded to issues raised by the Members. He asked that those who had raised concerns would allow time for the project to be fully completed and he stated he was confident that the problems referred to by the Members would be resolved.

8. To fix date for Statutory Budget Meeting:

It was agreed that the Statutory Budget meeting would be held on Friday 17th December, 2010 from 10.00 a.m. to 4.00 p.m.

9. To receive minutes of meeting with Minister Dempsey.

This item was deferred until the next meeting.

10. To receive reports from members attending conferences:

The Members noted the reports from Cllrs Conlon and McElvaney in relation to their attendance at the L.A.M.A. Autumn Seminar in Listowel, Co. Kerry.

11. Business submitted by the County Manager:

Lough Muckno:

The County Manager stated that he had met with Mr. Chris Harren in relation to Hope Castle and Mr. Harren had submitted proposals for the property. The extent of the lands to be included in a new lease is significantly less than what was included in the maps presented to the Court. He would discuss the proposals to the sub-committee. A meeting of the sub-committee was then arranged for Tuesday 2nd November, 2010 at p.m.

Deputy County Manager:

Mr. Nelson advised the Members that he will appoint Mr. David Fallon as Deputy County Manager to cover the period from 6th to 30th November. Following this the Minister for the Environment, Heritage and Local Government will appoint a temporary County Manager until a permanent appointment to the position is made.

The Members congratulated Mr. Fallon on his appointment.

Retirement of County Manager:

The Mayor referred to the fact that this was the County Manager's last Council meeting and that both he and the members wished to pay tribute to him for his service to the county over the past ten years. He described the Manager as being very amenable to the Councillors – his professional advice was second to none and both he and the other members would miss that, as well as his friendliness and companionship. The Whips of the three political parties as well as a number of Members then paid tribute to the County Manager. Tributes were paid to his record of achievement in infrastructure projects, his commitment and dedication to local government in the county, his openness and transparency, professionalism, integrity and impartiality and his contribution to the local community groups. All Members wished him, his wife and family good health and happiness in the future.

Mr. D. Fallon, Director, on behalf of the staff, thanked the County Manager for his management and leadership over the last ten years and for the manner in which he had prepared the staff for future change. He said that the Manager had displayed the highest standards of probity, honesty integrity and leadership, financial management and had marked his work with common sense. On behalf of the staff he wished the County Manager and his family good health and happiness in the years ahead.

Mr. Nelson then responded to the tributes paid to him. He thanked those who had spoken for their kind remarks and for their good wishes. He stated that he had considered it a privilege to be appointed as Monaghan County Manager and he had given the job 100%. He had always had great respect for the Council members because they were elected by the people. He referred to the bad press that the public service was getting at the moment, but no other area of the public service is subject to so much public scrutiny as local authorities. The members and the officials work in partnership.

He paid tribute to the outdoor staff that were out salting/gritting roads for 36 out of 40 nights last winter and to the fire service that have to deal with traumatic incidents. The staff of the Council have a very strong tradition of serving the community. He paid tribute to former officials for their role in the development of the county.

In acknowledging the role of the media, he paid tribute to the calibre of reporting by the Northern Standard, particularly in regard to the fairness/impartiality of the reporting of Council meetings. He also acknowledged the role of local radio.

In conclusion, he thanked his wife Mary and his family for their support over the years.

The Mayor then wished the County Manager a long and happy retirement.

12. Matters arising out of Council meetings held on 4th October and 18th October:

This item was not reached.

13. Proposed Eirgrid Interconnector:

This item was not reached.

14. To receive presentations from outside groups:

It was agreed that the Council would receive presentations from the Football Association, Monaghan Sports Partnership and the Don't Bypass the Bypass Group on Tuesday 16th November, 2010 commencing at 4.00 p.m.

15. Questions:

Cllr P. McNally asked:

1. (a) Will this Council be making an application to the Department, in 2011, for funding to complete the industrial link road, adjacent to Rye Valley in Carrickmacross?

(b) How much is needed to complete same?

Reply: *Due to the significant reduction of funding available for capital works on non-national roads the Council is at present concentrating on maintaining the existing road network.*

2. When, specifically, will the following roads be resurfaced permanently, following the sewage upgrade:
 - Dundalk Road
 - Drumconrath Road
 - Mullinarry Road
 - Main Street

Reply: *Monaghan County Council will undertake permanent reinstatement of all roads affected by the ongoing pipe-laying works, as provided for in the contract. The specific roads mentioned in the question are programmed for permanent reinstatement as follows:*

- *Dundalk Road- Following successful testing of pipeline Q1 2011*
- *Drumconrath Road - Q4 2010*
- *Mullinarry Road - Q1 2011 due to extensive additional footpaths requested by the Council.*
- *Main Street - Q1 2011 due to a condition of the contract prohibiting road works in the town centre during December*

Cllr P. McNally asked:

3. Has any progress been made re the industrial zoned lands along the Carrickmacross by-pass regarding having it opened up to possible industry?

Reply: *The lands zoned for industrial use along the by-pass are privately owned. No application has been received in respect of development on these lands.*

Cllr B. McKenna asked:

4. Will Monaghan County Council remove trees and hedges on the Monaghan town side along the N12 as you exit the Glaslough road at Pipers Bridge onto the N12? Sight distance is very restricted at this junction and it is very dangerous for traffic entering the N12 at Pipers Bridge?

Reply: *The Council are planning to trim hedges at a number of junctions on national roads over the next two weeks.*

Cllr R. Gallagher asked:

5. What is the expected date for trimming the trees in Tullyree, Glaslough which are currently interfering with wires, are potentially dangerous and are causing anxiety among residents?

Reply: *It is planned to trim this tree by end November this year.*

6. What is the expected date for repair of loose manhole covers between Westenra Tce and the entrance to the Four Seasons Hotel which are currently causing noise and disturbance to residents in the locality?

Reply: *As part of the Monaghan North East SLI this section of work is still under a maintenance contract (Pierse Construction). The main and sub-contractors involved within in the scheme were informed of the current situation. Monaghan County Council is awaiting a program to retrofit covers. If this program is unacceptable Monaghan County Council will undertake these works and costs associated will be deducted from retention monies withheld.*

7. With regard to the arrears in excess of one month on housing loans issued by the County Council can the Council give a breakdown of the figures (length of arrears, number of loans, average size of loan etc) and what plans there are to address these issues?

Reply:

Loan Types	Loans	Amount Borrowed
SDA	89	€1,593,745
Annuity	97	€3,513,463
Reconstruction	53	€348,024
Tenant Purchase	18	€185,759
Shared Ownership	21	€767,303
Affordable	93	€12,027,940
Caravan	2	€1,570
Total number of active loans	373	
Loan Customers more than 4 weeks in Arrears	39.95%	
Total Customers in this category	149	
Amount of Arrears more than 4 weeks old	€31,135	
Total Arrears	€33,992	
% of Total Arrears	97.87%	
Average Arrears per loan	€80.09	

There are a number of issues that influence the percentage arrears:-

The Accounting System used by Local Authorities operates on Accruals basis. Therefore a loan could technically be in arrears from the 1st of the month until the day that it is paid that month. These percentages vary depending on whether the report is run at the beginning or end of the month. A loan could be in arrears even if there is small amount outstanding on it. A loan could be in arrears even if arrangements are in place and people are in a process of making repayments against the loan. The Council has a system in place whereby warning letters are issued, followed by direct meetings with loan defaulters, before referral to the solicitor for recovery of arrears.

Cllr M. Carthy asked:

8. Further to the letter received by Monaghan County Council from the Department in July 2010 regarding the proposed Group Home in Carrickmacross for women with physical and sensory disabilities:
- (i) Has the Council prepared a detailed cost plan and other necessary information on this project for submission to the department?

Reply: *A detailed Scheme All-In-Cost has been prepared and submitted to the DEHLG in order for them to determine the budget funding and to allow Monaghan County Council draw down some of that available budget in 2010 – covering a percentage of the costs incurred to date on the project.*

The group home has been designed by the Council in consultation with the HSE and the applicants – the DEHLG has advised on some minor amendments to the

design. A meeting has been arranged with the HSE, RESPOND Housing Association and the Council to discuss these minor adjustments to design and the management and maintenance of the facility.

Cllr M. Carthy asked:

8. (ii) When is it expected that work on this project will commence and when is it envisaged that the Group Home will be operational?

Reply: *The Council intends applying for Planning Permission as soon as the DEHLG confirms approval of costs and notifies the Council of budget approval. It is envisaged that the Planning and Detailed Design & Tender Stages will take approx 9 months with the proposed construction contract period expected to be 10-12 months.*

9. In relation to staff employed by Monaghan Local Authorities:
(i) How many staff are currently employed by Monaghan Local Authorities, what was the number of staff employed in January 2008?
(ii) What is the wage/ salary cost for Monaghan Local Authorities for 2010; what was the corresponding figure for 2007 considering the difference in money that has been removed from our local economies?

Reply: *Monaghan County Council currently has 508 employees (432.5 whole-time equivalents). In December 2007, the Council had 556 employees (478 whole-time equivalents). The cost of payroll in 2010 is projected at €19.3m. (excluding payroll deductions), while in 2007 the cost was €20.6m. A further €1m has been deducted from salaries and wages in respect of the pension levy, introduced on 1 January 2010.*

10. Will the Council consider carrying out an inventory of broadband access in rural areas of our county considering that many rural areas not included in the governments 'National' Broadband Scheme have poor broadband availability and this is having a severe impact on local businesses and many families in our county?

Reply: *Companies supplying broadband show the coverage on their websites. Monaghan County Council does not have the resources to carry out this type of work.*

11. In relation to Student Grants operated by Monaghan County Council:
(i) How many applications have been received in 2010, what was the corresponding figure for 2009?

Reply: *As at 26th October 2010, we have received 318 new grant applications and 379 renewal applications.*

At the same date in 2009, we had received 275 new grant applications and 301 renewal applications.

Cllr M. Carthy asked:

11. (ii) Of these applications, how many have been approved, disallowed or are awaiting decision?

Reply: *Of the 318 new applications, 169 have been awarded a grant, 33 have been refused, 55 have been written to requesting further information, 5 have been withdrawn and 56 have been forwarded to the VEC.*

345 renewal applications have been awarded, 10 have been refused, 23 have been written to requesting further information and 1 has been cancelled. To date, all applications, where full supporting documentation has been received, have been processed.

- (iii) How many successful applicants have received their first payment installation?

Reply: *As at 26th October 2010, 134 first instalment grant cheques have issued to new applicants and 333 cheques have issued to renewal applicants.*

12. What is the timeframe for P & S to have all streets and approach roads in Carrickmacross restored to appropriate conditions considering that a number of roads are currently in a poor state?

Reply: *It is expected that permanent reinstatement of all roads affected by the Carrickmacross Sewerage Scheme will be completed within the twelve month maintenance period, as provided for under the contract. The maintenance period commences following substantial completion in Q1 of 2011. However, it must be noted that it is Monaghan County Council's intention to undertake permanent reinstatement as soon as is reasonably practicable. The majority of affected roads are permanently reinstated at this juncture.*

Cllr N. Keelan asked:

13. In welcoming the opening of the Recycling Centre in Carrickmacross will this Council, in conjunction with the company operating the site, engage in a major advertising campaign including signage in order to advise people as to the times of operation and what materials are accepted on site; will this Council review the €2 euro gate fee for recycling; should people not be encouraged for their efforts in recycling?

Reply: *A program of extensive advertising preceded the opening, consisting of Radio & Print media enhanced through leaflet drops throughout the locality. This campaign was run in conjunction with our Environmental Awareness Officer. Since opening additional advertisement campaigns specifically aimed at WEEE were ran.*

Within the caretakers contract there exists a mechanism to commence additional advertisement if deemed necessary.

The €2 gate fee applies to both our centres and again there is a mechanism within the contract to increase/reduce this fee as required. To date the uptake on Carrickmacross facility is very promising and the fee is not a deterrent to the success of the centre.

Cllr N. Keelan asked:

14. In relation to Highfield Estate in Carrickmacross and the resident's requests to have the estate taken in charge by Monaghan County Council, at what stage is that process now at?

Reply: *The residents of Highfield Estate have submitted an application to Monaghan County Council, requesting that it take this estate in charge under Section 180 of the Planning & Development Act 2000 (as amended), and Section 11 of the Roads Act 1993.*

This application has been referred to the relevant sections within the Council for technical assessment and recommendations.

Where the estate is found to be satisfactory in all respects, the taking in charge procedure will commence.

A notice will be published in the Northern Standard newspaper informing the public of Monaghan County Councils intention to take the estate in charge. Following the expiry of the period of public consultation, the proposed taking in charge of the development will be considered by the elected members of the Planning Authority.

15. What is the up-to-date position in relation to the provision of a bus shelter for the village of Inniskeen; what is the up-to-date position in relation to the provision of a possible two additional bus shelters for the town of Carrickmacross?

Reply: *A preliminary meeting has been held between the Council and Bus Eireann. Funding will be required to progress these works.*

16. In relation to Inniskeen village, when is it hoped to resurface the access road into Dunard estate; when is it hoped to carry out improvement works at the access to Deery Tce as discussed with myself, residents and our engineering staff some time ago?

Reply: *There is no funding in the current year's allocation for these works.*

Cllr P. Connolly asked:

17. In relation to the road improvement works currently taking place on the 1 mile stretch of the N2 roadway from St Macartan's College North to Tirnaneil what is the likely timescale for completion of this project?

Reply: *The Council plan to complete these works in 2011 subject to funding being made available by the National Roads Authority.*

17. Votes of Sympathy/Congratulations:

It was agreed that the sympathy of the Council be extended to Minister Micheál Martin and his wife Mary on the death of the daughter Léana.

It was agreed that the congratulations of the Council be extended to the following:

- Paul Hannon on winning the Wheelchair Section in the 31st Dublin City Marathon.
- Sean MacDiarmada G.A.A. club on winning the Monaghan Junior Football League.
- Inniskeen Grattans G.A.A. on winning the Ulster Junior Hurling Championship.
- Aoife Bannigan, Allana Mulligan and Eileen Cullen on winning 2nd and 3rd in the U10 and U12 dancing competitions at the Ulster Championships recently and qualifying for the World Dancing Championships in April 2011.

The meeting then concluded.

Signed: _____
Meara Meetings Administrator

Date: _____