

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

Chair: Cllr H. Humphreys, Mayor.

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

Mr. D. Nelson, County Manager, Mr. P. Clifford, Mr. A. King, Mr. D. Fallon, Mr. M. Fitzpatrick, Directors of Service, Mr. J. Murray, Head of Finance, and Ms. C. Thornton, Meetings Administrator.

At the outset Cllr Conlon proposed that the Council recognise the achievements of the county's handballers – Padraig McKenna and Darren Doherty – on winning world titles at the World Handball Championships in the U.S.A. and host a Civic Reception in their honour. This was agreed by the Council.

1. To consider Notice received by the County Manager on 22nd October, 2009 under Section 140 of the Local Government Act, 2001.

“NOTICE OF INTENTION TO PROPOSE A RESOLUTION UNDER SECTION 140 OF THE LOCAL GOVERNMENT ACT, 2001.

In accordance with Section 140 of the Local Government Act 2001 we the members of Monaghan County Council hereby direct the County Manager to convey the said 0.108 hectares in the townland of Lisanisk, Carrickmacross to the said Martin McConnon in accordance with the procedures set out in Section 183 of the Local Government Act 2001 free from any encumbrances and/or clouds on title, and in particular, free from any license, easement, profits a prendre, or any other claim or benefit that the McEvoy's might enjoy or purport to enjoy over the said 0.108 hectares.

The County Manager stated that in his view this matter was subjudice. Mr. McConnon had initiated High Court proceedings in April of this year. The Council had delivered its defence in July and he felt it would be totally inappropriate to discuss the matter. He had the High Court statement of claim which he would show to the Mayor but it would not be appropriate to disclose its details in advance of a court hearing.

Cllr McNally stated that he had asked Mr. McConnon to check with his legal advisor whether or not the matter was subjudice and that he had received a text earlier that morning from Mr. McConnon that it was not. He had no problem with the matter being deferred until after the court proceedings were concluded but he would query why this man had to take such action to obtain what is his.

The Manager referred to the Section 140 notice and stated that this process gives power to the elected members to direct the Manager to carry out an executive function. The Manager queried the validity of the process in these circumstances.

How can the Members direct the Manager to carry out a function that is, in the first place, reserved to the elected members ie the disposal of land under Section 183 of the Local Government Act 2001.

A number of members joined in the debate and expressed the view that the Council should find a resolution to this matter outside of court so that no further expenditure is incurred by the Council.

Cllr Carthy proposed that the elected members seek independent legal advice in the matter and that it be an item on the December agenda - the party Whips to decide which Senior Counsel is engaged.

Cllr McNally proposed, Cllr Keelan seconded and it was agreed that the Council go 'into committee' to discuss this matter.

The Manager outlined to the Members the specific details relating to the matter. He stated that the Council always valued land before selling - there are numerous examples of where land has been sold back to farmers but it would have been initially valued as part of a process eg CPO. There is no unwillingness on the Council's part to dispose of the land to Mr. McConnon, but how does he access it.

Cllr McNally proposed, Cllr Carthy seconded that Monaghan County Council do not defend the High Court Case being taken by Martin McConnon in this matter.

Cllr Murray proposed that the Council defer seeking legal advice for a period of one month.

On the proposal of Cllr McNally, seconded by Cllr Carthy it was agreed to resume public session.

Cllrs Carthy and B. McKenna stated that Mr. McConnon seemed not to be interested in getting access to the plot of ground. If this is the case then surely Mr. McConnon can sign an agreement to this effect and the matter will be sorted.

Cllr McElvaney suggested that the South Monaghan members amend the Section 140 notice asking the Manager to bring forward a Section 183 motion to dispose of the land to Mr. McConnon on particular terms and conditions.

The County Manager stated that the Members could not amend or defer a Section 140 motion, they would have to bring forward a new one. He indicated that while there were a number of legal issues to be addressed, he would attempt to find a resolution to the matter which would protect the Council's interest.

Cllr McElvaney requested that the Mayor and Deputy Mayor be notified by November 25 as to whether or not the matter could be resolved. This would give sufficient time for a fresh Section 140 to be submitted for the December meeting. Having regard to the undertaking given by the Manager, the Members agreed to defer the matter until the December meeting.

2. Confirmation of Minutes:

- (i) *On the proposal of Cllr P. Treanor, seconded by Cllr Carville, it was agreed that the minutes of the Council meeting held on 5th October, 2009, be confirmed.*

3. Correspondence

The following correspondence was circulated to the Members –

- Letter from the Minister for Transport in relation to the Rural Transport Scheme.
- Letter from the Office of An Tanaiste in relation to the Job Initiative Programme.
- Letter from the Minister for Education in relation to School Transport Scheme.
- Letters from the following Government Departments in relation to requests for meetings with visiting Ministers
 - Departments of Social and Family Affairs; Justice Equality and Law Reform; Environment, Heritage and Local Government; Finance; Education and Science; Arts, Sport and Tourism; Foreign Affairs; Health and Children; Agriculture, Fisheries and Food; Communications, Energy and Natural Resources, Community, Rural and Gaeltacht Affairs.
- Letter from the Minister for Transport in relation to the N2 Clontibret to the Border Scheme.
- Letter from Donegal County Council in relation to the N2 Clontibret to the Border Scheme.
- Letter from the Minister for Finance in relation to VAT rates.
- Letter from the Planning and Spatial Policy Section of the Department of the Environment in relation to Variation 12 of the Monaghan Co. Development Plan.
- Letter from the National Roads Authority in relation to the N2 Clontibret to the Border Scheme.
- Letter from the Command Secretariat, PSNI Headquarters acknowledging receipt of Council resolution in relation to the use of plastic bullets.
- Letter from the Donegal National Roads Design Office in relation to the establishment of rail links in the North West.
- Resolution from Monaghan Town Council in relation to the installation of a pedestrian crossing at St. Macartan's College, Monaghan.
- Resolution from Monaghan Town Council calling on the Government to support the Family Resource Centre Programme and in particular the Mullaghmat/ Cortolvin Family Resource Centre.
- Resolution from Monaghan Town Council calling on the ESB to resume the practice of leaving meter reading cards for absent householders.
- Resolution from Monaghan Town Council opposing the threat to the existence of Town Councils as proposed by the McCarthy Report.
- Resolution from South Tipperary County Council calling on the Government to waive VAT on specialised items of medical equipment where the purchase is being funded through voluntary fundraising.
- Resolution from Kildare County Council expressing concern over the proposed transfer of control over the allocation of all roads funding for local authorities away from the Minister for Transport.

- Resolution from Waterford City Council calling on the American Government to stop the extradition proceedings against Sean Garland.

Proposals arising out of correspondence:

On the proposal of Cllr Treanor, seconded by Cllr Humphreys it was agreed that the Council write again to An Tanaiste and Minister for Enterprise and Employment acknowledging her letter in relation to the North Monaghan Job Initiative and requesting her to ensure that the McCarthy Report recommendation – that the Jobs Initiative Scheme is closed down – is rejected.

On the proposal of Cllr Treanor, seconded by Cllr Carville it was agreed that the Council write again to the Minister for Finance seeking a meeting with him or a senior official from his Department to discuss the urgent need to reduce the V.A.T. in order to stop the exodus of people travelling to the North of Ireland to shop which is resulting in businesses along the border closing down.

Rail Links – Northwest:

On the proposal of Cllr Treanor, seconded by Cllr S. McKenna it was agreed that the Council nominate two members to the Project Board to discuss the establishment of Rail Links in the North West. It was agreed that the Mayor and Deputy Mayor would be nominated to represent the Council on this Board.

On the proposal of Cllr Connolly, seconded by Cllr S. Treanor it was agreed that the Council write to the Minister for Transport requesting a meeting with him in relation to the N2 Clontibret to the Border Road Scheme.

On the proposal of Cllr B. McKenna, seconded by Cllr Maxwell it was agreed that the Council write to the Minister for Transport requesting that the N2 Clontibret to the Border Road Scheme be included in the Transport 21 investment programme.

On the proposal of Cllr Treanor, seconded by Cllr Coyle it was agreed that the Council write to the Minister for Finance requesting him not to implement the Carbon tax as proposed by the Green Party.

It was agreed that the Council would meet officials from the Spatial Policy Section of the Department of the Environment in relation to Variation No. 12 of the Monaghan County Development Plan and that the Council be represented by one from each political grouping, together with the Mayor and an official.

Resolutions from other local authorities:

On the proposal of Cllr Gallagher, seconded by Cllr Maxwell it was agreed that the Council adopt the resolution from South Tipperary County Council calling on the Government to waive VAT on specialised items of medical equipment where the purchase is being funded through voluntary fundraising.

On the proposal of Cllr Conlon, seconded by Cllr Treanor it was agreed to defer the adoption of a resolution from Waterford Town Council requesting the withdrawal of proceedings against Sean Garland by the American Government for a period of one month when additional information is obtained.

On the proposal of Cllr Conlon, seconded by Cllr McElvaney it was agreed to adopt the resolution from Monaghan Town Council in relation to the provision of a pedestrian crossing on the N2 at St. Macartan's College, Monaghan.

4. To consider extinguishment of public right of way over 50m of LS 08150 Creevy Road:

The Members considered the report from the Director in relation to the proposed extinguishment of a public right of way over 50 metres of LS 08150 (Creevy Road).

On the proposal of Cllr McNally, seconded by Cllr Murray it was agreed that the Council reject the proposals to extinguish a public right of way over 50 metres of LS 08150 (Creevy Road) and allow the Council's Engineers put a compromise in place in the interest of public safety.

On the proposal of Cllr McNally, seconded by Cllr McElvaney it was agreed that the Council write to the National Roads Authority requesting that the Authority review junction safety at the four accesses onto the Carrickmacross bypass at Carrickmacross.

5. Revision of Road Area Boundaries:

Mr. D. Fallon, Director of Roads referred to the meetings which had taken place with the Road Area Committees in relation to the proposed revision of road area boundaries as a result of the revision of electoral area boundaries in 2009. Details of the revised boundaries had been circulated to the Members. He stated that traditionally roads funding was divided by means of a four way split between the road areas in the county. However, it is proposed to allocate funding based on the length of roadway in the future. Based on this allocations in 2010 would be in the region of €2.62 (North Monaghan); Clones €2.81m; Carrickmacross €2.4m and Castleblayney €1.989m. He recommended a phasing in period for the Castleblayney area i.e. that area would receive an extra allocation of €300,000 in year 1 and a further €150,000 in year 2, to come off the top of the overall road grant allocation. He confirmed that wage costs amounted to between €600,000 and €900,000 in each road area.

Cllr Bannigan proposed, Cllr Carville seconded that the matter be deferred until the December meeting pending submission of a full written report to the Council.

Cllrs Bannigan, Carville, Crowe and O'Brien expressed disappointment at the fact that the matter had been brought to the Council for decision without written details being circulated to the Council members. They also expressed disappointment at the proposal to allocate funding on the basis of kilometre of road and, having regard to the mid Monaghan area, the proposed allocation did not take account of the fact that there are two towns in that area – Castleblayney and Ballybay. Neither did it take account of the damage caused to roads in this area as a result of the construction of the Castleblayney bypass.

Amendments to boundary revision

Cllr Coyle proposed that the following amendments should be made to the submitted list of roads transferring from the Anny, Creeve and Cormeen DED's from the Castleblayney Area to the Clones Area should be:

- R162-9 - the section from Ballybay to the junction of the R162 and the LP 30101 be transferred to the Castleblayney Area (and not the LP 30104 referred to in the list circulated at the meeting).
- LP 3110 – The section from its' junction with the LP 3101 to Tommy Scott's lane to be transferred to the clones Area. The section from Scott's lane to its junction with the LP3111 to transfer to the Castleblayney Area
- Cumry lane should be included in the roads schedule as the Council resolved that this would be a public road.

Cllr Bannigan proposed that -

- The LP4210 from its junction with the R180 should be transferred to the Castleblayney Area

Cllr B. McKenna proposed, Cllr McNally seconded that the revised road area boundaries, be adopted, as amended and that the allocation of funding to these areas be on the basis of kilometre of road per area.

A vote by show of hands on Cllr Bannigan's proposal to defer the matter resulted in 4 for, 15 against. The Mayor declared the motion defeated.

A vote by show of hands on Cllr B. McKenna's motion resulted in 15 for, 4 against. The Mayor declared the motion carried.

Cllr Bannigan proposed, Cllr O'Brien seconded that the Castleblayney Road Area receive an additional allocation of €450,000 over a two year period.

A vote by show of hands on this proposal resulted in 6 for, 13 against. The Mayor declared the motion defeated.

6. Study of the Regional Transport Corridor and Design of the Cavan Dundalk Road

The Members considered the Information Note dated 21st October 2009 (circulated) from Roughan & O'Donovan – AECOM Alliance, Consulting Engineers in relation to the Study of the Regional Transport Corridor and Design of the Cavan Dundalk Road.

On proposal of Cllr Humphreys, seconded by Cllr Treanor it was agreed that the Consultants be invited to make a presentation to the Council and that all members would be invited to attend.

7. To receive recommendations from Corporate Policy Group meeting held on Monday 12th October, 2009

(i) Approval of grants under Graveyard Maintenance Grants Scheme 2009

On the proposal of Cllr Gallagher, seconded by Cllr Maxwell it was agreed that the following grants be allocated under the Graveyard Maintenance Grants Scheme 2009.

| Name of Graveyard | Proposed Grant 2009 |
|--------------------------|----------------------------|
| Donaghmoynes | €1,100 |
| Inniskeen | € 700 |
| Donagh | € 900 |
| Tydavnet | €1,000 |
| Killeevan | €1,100 |
| Lisnamoyle | €1,100 |
| Edraguil | €1,100 |
| Drumsnatt | €1,100 |
| Errigal | € 900 |

It was further agreed that an allocation of €6,000 for significant structural work which had to be undertaken on the boundary walls of Inniskeen graveyard be also approved.

(ii) To receive County Monaghan Biodiversity Plan

Mr. Adge King, Director of Services referred to the County Monaghan Biodiversity Plan which had been circulated with the agenda. He stated that the County Monaghan Biodiversity Plan is the start of a targeted and co-ordinated approach to biodiversity conservation in the county. It turns the aims and agreements of the 1992 Earth Summit to action at a local level. It is important that the Plan is seen as a continuing process that sets out biodiversity priorities for the county, works to achieve them, monitors success and reassesses the need for action.

Mr. King then responded to queries raised by the Members.

On the proposal of Cllr Treanor, seconded by Cllr Bannigan, it was agreed that the reference to “farm compliance visits” (page 22, Action 3) be removed.

Cllr Treanor suggested that the appointment of a Biodiversity Officer (Action 28) would be given a higher priority.

(iii) To confirm date for Statutory Budget Meeting

It was agreed that the Statutory Budget meeting would take place on Friday 11th December, 2009 at 10.00 a.m. in the Mtek Building.

(iv) To adopt minutes of CPG meeting held on 12/9/2009

Cllr B. McKenna requested that the minutes of the Corporate Policy Group meeting held on 12th October, 2009 be amended as follows: That references to Cllr Treanor in the minutes be replaced with Cllr B. McKenna's name. This was agreed.

On the proposal of Cllr McElvaney, seconded by Cllr Maxwell it was agreed that the minutes of the Corporate Policy Group meeting held on 12th October, 2009 be confirmed, subject to the amendment outlined above.

8. To replace Cllr R. Gallagher on Monaghan Leisure Complex Committee

It was agreed that Cllr John O'Brien would be nominated to replace Cllr Robbie Gallagher on the Monaghan Leisure Complex Committee as Cllr Gallagher had already been nominated by Monaghan Town Council to this committee.

On the proposal of Cllr Humphreys, seconded by Cllr Conlon it was agreed that the Council congratulate Mr. David Moore on winning the title of ILAM Leisure Manager of the Year 2009 and also to Monaghan Leisure Centre on being awarded White Flag status for the 3rd year in succession.

9. To fix date for consultation meeting regarding appointment of Community Representatives to County Monaghan VEC

It was agreed that the consultation meeting in relation to the consideration of nominations from community representatives to Co. Monaghan V.E.C. would be scheduled for Monday 23rd October, 2009 at 9.30 a.m.

10. To receive minutes of JPC meetings held on 23rd February, 2009 and 27th April, 2009

The members noted the minutes of the Joint Policing Committee meetings held on 23rd February and 27th April, 2009.

Cllr Maxwell, Chair of the County Monaghan JPC advised the members that a public meeting of the JPC would be held on Tuesday 17th November 2009 at 8.30 p.m. in Corcaghan Community Centre, following the AGM of the Monaghan Community Forum.

11. Proposed Eirgrid 440kv Interconnector

On the proposal of Cllr Bannigan, seconded by Cllr Crowe, it was agreed that the Council write to Eirgrid requesting them not to pursue the preferred route for the project which they had already chosen and that they instead investigate the possibility of undergrounding the cables, given the level of objection to the proposal by the landowners.

12. To receive reports from Members attending Conferences (*reports attached*)

The Members noted the reports from Cllrs Coyle, Gallagher, Humphreys, McNally, O'Brien and O'Hanlon, in respect of their attendance at the following conferences:

- Local Government Seminar for Councillors, Limerick
- Benedict Kiely Literary Weekend Conference, Omagh, Co. Tyrone
- John Hewitt Society Summer School, Armagh
- 7th National Tourism Conference, Carlow
- Humbert Summer School, Ballina, Co. Mayo
- AMAI Annual Conference, Killarney, Co. Kerry.
- Role of Community & Voluntary Fora, Cavan Crystal Hotel, Cavan.

13. Business submitted by County Manager

The County Manager informed the Members that Mr. Michael Fitzpatrick, Director of Services and Mr. Joe McElvaney, County Librarian were retiring from the Council's service during the month of November. Mr. Fitzpatrick joined the local authority sector in 1976 where he had worked in a number of local authorities including Kerry, Dun Laoghaire, Sligo Offaly, Kildare and Meath. He took up appointment as County Secretary in Monaghan County Council in April 1999 and became Director of Services in 2001. The Manager stated that Mr. Fitzpatrick's ability was well-known and his capacity for work was enormous as was his commitment and loyalty to the Council. His expertise on local government matters was acknowledged at national level.

Referring to Mr. McElvaney, the County Manager stated that he had joined Monaghan County Council as a Clerical Officer in 1971. He became County Librarian in 1996 and made an enormous contribution to the development of the Library Service in all towns in the county and particularly Clones where he left a significant building behind in the new Library H.Q. His knowledge is unsurpassed and he is an absolute fund of information about books, learning and Co. Monaghan.

The Manager stated that both officials will be badly missed by the Council he paid tribute to both officials for their commitment, loyalty and dedication to the Council and wished them good health and happiness in the future.

A number of Members joined in the tributes to Mr. Fitzpatrick and Mr. McElvaney and expressed regret that the Council were losing two excellent officials who had given many years of service to the local authority sector and wished them both good health in the future. They also expressed concern that the positions will not be filled due to the current recruitment embargo.

Both officials then thanked the Manager and the Elected Members for their comments and good wishes.

Lough Muckno:

The County Manager advised the Council that the Deed of Surrender has been signed by Harinbrook and the proceeds of the insurance claim has been paid to the Council and this amount has been lodged to the Capital Account.

In relation to the court case against Chris Haren, it is the opinion of Senior Council that proceedings will be withdrawn from the High Court and continued in the Circuit Court. It is hoped that the case will be heard in January 2010.

The Manager circulated copy of a letter dated 29th October, 2009 from the Council's legal advisor, Mr. Enda O'Carroll regarding advice given by him in relation to the Lough Muckno Estate

14. Matters arising out of minutes of Council meeting held on 5th October, 2009

Matters arising out of the minutes of the Council meeting held on 5th October, 2009 were responded to by the relevant officials.

15. Questions:

Cllr P. Connolly asked:

1. How many Local Authority houses remain vacant in County Monaghan and what plans have Monaghan County Council in place to have these houses repaired?

Reply: *Monaghan County Council has 7 houses vacant arising form casual vacancies in the stock.*

- *6 houses are being upgraded to improve energy efficiency in the stock. The houses will be re-let when the work has been completed.*
- *An offer of tenancy will be made on 1 house in coming week.*

Energy efficiency measures

To ensure that the stock of local authority owned dwellings is maintained at a high standard and delivers on energy efficiency requirements, a fund of €20m has been set aside by the Government within the Social Housing Investment and Improvement Programme in 2009. The focus of this investment will be the carrying out of measures to improve the energy efficiency of vacant properties, both casual and planned, with a view to incrementally improving the energy efficiency of the overall housing stock.

Properties improved under this scheme will be required to achieve a minimum C1 rating following remediation works which may include, but are not limited to, the following:

- *Attic Insulation to meet current building regulation standards;*
- *Replacement of windows and external doors in compliance with current regulations;*
- *Air-tightness testing e.g. "blower-door" test and remedial action;*

- *Wall insulation [cavity, external cladding, internal improvement, as appropriate];*
- *Replacement of boilers over 10 years old with condensing boilers to current standards and installation of space and water heating controls;*
- *Installation of radon protection measures e.g. external sump;*
- *Any other measures as are required, and approved by the Department, to improve the energy efficiency of the dwelling.*

Cllr P. Connolly asked:

2. In relation to social and affordable houses how many of these units remain empty and the reasons cited for non occupancy of same?

Reply: *As advised in answer to question 1, the Council has 7 social houses (Local Authority Housing) vacant. All affordable houses have been sold.*

3. In view of the recent damage to the culvert underneath the Monaghan Armagh road at Aughnaseda and the resultant damage being caused to the surrounds of Aughnaseda Lake what plans are in place to have the culvert restored to its original level thereby returning the lake to its normal water level?

Reply: *Maintenance works were carried out at this culvert previously. The Area Engineer will investigate the matter.*

4. In view of the increased volume of traffic in the area, cross border and the Bragan - Sliabh Beagh scenic route, what plans are there to upgrade the short stretch of road from Bragan Cross to Glenmore?

Reply: *The LP 01135 is included in an application for funding for the 2010 road restoration programme to the National Roads Authority. Works will be contingent on the funding being made available.*

5. To ask whether there are any plans to vary the County Development Plan to ensure that telecommunication masts are not located within 1 kilometre of schools, residential properties, hospitals or any other structures where there is human occupancy for residential or daily work purposes bearing in mind that some other County Council areas have taken this decision?

Reply: *There are currently no proposals to vary the Monaghan County Development Plan 2007–2013 to prohibit the location of telecommunication masts within 1 km of structures where there is human occupation for residential or work purposes.*

As outlined in the Telecommunications Antennae Support Structures, Guidelines for Planning Authorities (DOE 1996), it is government policy to provide a comprehensive mobile communications service. This is reiterated in the National Development Plan and the National Spatial Strategy. The Monaghan County Development plan 2007 – 2013 specifically refers to these guidelines and policies.

The introduction of such a prohibitory policy into the Development Plan would be contrary to national guidelines and policy.

While it is acknowledged that some planning authorities have inserted a similar policy into their development plans, it should be noted that An Bord Pleanála have consistently disregarded such policies at appeal.

Cllr G. Carville asked:

6. Will the Council address the serious deterioration in the condition of the footpath on the Dublin Road, Castleblayney, (St Mary's Terrace) with a view to carrying out improvement works?

Reply: *Subject to the availability of funding the Council intend to carry out improvements at this location in 2010.*

7. When will the Council undertake a Local Area Plan for the environs of Lough Muckno in Castleblayney and will such a plan incorporate the area around the Gas Lake at Lakeview?

Reply: *The Monaghan County Development Plan (incorporating the Castleblayney Town Development Plan) 2007 – 2013 proposes preparing a Local Area Action Plan for the environs of Hope Castle and the lands between Muckno Street and Gas Lake.*

The lands which are to be the subject of the LAAP are contained wholly within the Castleblayney Town Council functional area, and the adoption of the Plan will be the responsibility of the Town Council.

Some provisional survey has been conducted and it is hoped to commence the formal preparation of the Plan in 2010, subject to the availability of resources.

8. Further to the recent meeting of Castleblayney Joint Policing Committee will the Council examine the possibility of placing ramps at Lake View (on the Regional Road) with a view to reducing the risk of serious accidents at this dangerous point?

Reply: *The Council is proposing to install monitoring devices to examine traffic volumes and speed in the area. The data collected will be used to examine various options.*

9. What progress is being made in relation to ongoing discussions with local firms concerning the foul smell problem in Drumillard and Monaghan Road, Castleblayney?

Reply: *Monaghan County Council is in discussion with these firm(s) and has issued said firm(s) with revised licence conditions & fees which are loaded against high strength, high temperature effluent being discharged into main sewers. The firm(s) involved have been given six weeks to query the findings of the Council with regard to odour generation and the Council is helping in this regard.*

Cllr R. Gallagher asked:

10. Will the Council investigate, as a matter of urgency, what safety measures would be most appropriate at the new Topaz shop and filling station at Coolshannagh, opposite St. Macartan's College, for pupils crossing the N2?

Reply: *Monaghan County Council has discussed the safety situation for pedestrians at this location with the Gardai. The NRA's Road Safety Engineer has been asked to have a look at it. The Council has submitted an application for funding to the NRA under the Road Safety Remedial Measures programme.*

11. Now that the old school building has been demolished, will the Council investigate what measures are required on the road at Knockconan, Ballyoisin, around the entrance to the learning centre, childcare facility and school to make it safe for traffic entering and exiting both the centre itself and the housing development opposite?

Reply: *The Council has examined this location and suggest that following the removal of the old school the vertical alignment of the road could now be improved to further enhance visibility.*

12. Could the Council liaise with the various groups responsible for tourism signage to update and upgrade tourism information boards in the county as some are in a poor state of repair, would be of little use to tourists and would also give a poor impression to visitors as they now stand.

Reply: *Monaghan County Council, in conjunction with 9 other local authorities (north & south) has an application with East Border Region for INTERREG IVA funding. Offers of funding are not due until the first quarter of 2010*

One element of this application is for Visitor Servicing in the region (which would include directional signage) and so there may be a possibility of getting some tourist signs upgraded under this subject to the funds becoming available.

13. Could the Council state how much has been taken in to date on the "second home tax" as opposed to the expected amount they had budgeted for?

Reply: *The amount collected for County Monaghan at 29th October was €220,000. The Council does not have a budgeted figure for the charge as it was introduced after the budget process was completed.*

Cllr Coyle asked:

14. Will Monaghan County Council request the E.S.B. to immediately connect the installed public lighting at Monaghan Road, Threemilehouse village, as these public lights have been erected for a period and not yet connected?

Reply: *The County Council has been in regular contact with the ESB in relation to these lights and it is hoped that they will be connected in the next few weeks.*

Cllr Coyle asked:

15. What plans have Monaghan County Council for additional public lighting at St. Mary's Chapel, Threemilehouse?

Reply: *There are no plans at present to erect additional public lighting at St Mary's Church, Threemilehouse. The Council will obtain an estimate for additional lighting and add it to the list of public lighting schemes for discussion at the next road area meeting.*

16. What plans have Monaghan County Council to provide bottle bank facilities in villages in the Clones electoral area where they are currently not provided?

Reply:

Proposed works before end of 2009

- *Following completion of the Newbliss car park site development in December the Bring Bank units will be installed and functional.*
- *Environment section is seeking a new site in Threemilehouse – We are currently working with local tidy towns committee on this proposal. If a suitable site is found a planning process and EPA cert of registration will commence forthwith.*

Long term Works 2010 - 2012.

Once the proposed bring sites are operational the number of public bring sites in the county will be 30, and we will be well on our way to achieving the density recommended under the Waste Management Plan.

Under the waste management plan the aim is 1 bank per 500 households. Assuming 18,000 households in the county as per census, we therefore require approx 36 bring sites.

During 2010-2012 the aim will be to try and provide bring sites at the following locations.

- *Threemilehouse*
- *Smithboro.*
- *1 new site in Clones*

Suitable site locations with ease of public access and service vehicles is proving more and more difficult, and therefore reliance on sites in private ownership is more prevalent. This can provide a barrier to rollout of sites.

Cllr S. McKenna asked:

17. Will Monaghan County Council examine what measures can be put in place to reduce the speed of vehicles at Corlat, Knockatallon and Ballinode village?

Reply: *These areas are currently subject to speed limit controls. These areas will be discussed with the Gardai at the next meeting of the Collision Prevention Programme.*

Cllr S. McKenna asked:

18. Could the Council in the interest of safety for residents and children attending the local crèche and national school install rumble strips at the Drumdesco road into Scotstown village?

Reply: *The Area Engineer's Office will examine this location.*

Cllr Bannigan asked:

19. (a) What is the up to date position with the planning compliance in Wylies Hill Ballybay. Has Monaghan County Council inspected the estate for planning compliance? Has Monaghan County Council been in contact with the developer?
- (b) When can the residents of Wylie's Hill expect to have the estate finished to comply with planning conditions?

Reply: *Following the receipt of a number of complaints from residents of Wylies Hill, the development has been inspected by the planning and engineering sections of the Council.*

Matters of non compliance with the relevant planning permission have been identified, and enforcement action has commenced.

A timescale for the completion of the development in accordance with the relevant permission is dependant upon the progress of the enforcement process.

20. What is the hold up with having the lights installed and lit on the pedestrian crossings and the roundabout in Ballybay town. Given that the people of Ballybay are waiting 2 years for these lights, is the problem with Monaghan County Council or with the ESB?

Reply: *The Council has completed the ducting and are awaiting the ESB to complete electrical cabling in Ballybay Town. The pedestrian crossings cannot be lit until this cabling work has been completed.*

21. Has Monaghan County Council applied for any funding for the Phase 3 streetscape in Ballybay town? When can we expect the works to commence and what is the expected timescale for the project.

Reply: *An application under the East Border Region - INTERREG IVA funding has been made. A draft scheme has been examined by the streetscape committee with a view to applying for Part 8 before Christmas. Subject to the funding application being successful it is envisaged that the works would take 3 to 4 months to complete.*

Cllr Keelan asked:

22. In relation to the Donaghmoynes approach to Carrickmacross town (R179) have the Council any plans to overlay this roadway from Lisanisk junction to the Cloughvalley junction in order to bring the road up to the level of the driveways; in the short term will the Council redo the ramps to these driveways.

Reply: *This matter has been forwarded to the Area Engineer's Office for investigation and temporary ramps will be repaired where required.*

23. Given that Bawn is designated a Tier 5 Village under our County Development Plan 2007-2013, and in order to enhance public safety, will the Council consider putting in place public lighting and a footpath from the new handball alley to link up with the lighting and footpath servicing the church and our own Council housing development?

Reply: *No funding is available to undertake these works.*

24. Has the Council any plans to carry out work at the junction of the regional route (R162) Ballybay to Shercock road and local county road LS08000 (739) that services the village centre as requested by residents of the new housing development and others in the Bawn area?

Reply: *The Area Engineers office has examined this location. However, no funding is currently available to undertake any improvements.*

25. In relation to the completion of the footpath out to the magnificent facility constructed by the members of the Inniskeen Grattans GFC at Kidnaminsha, what progress has been made in this regard as a result of ongoing meetings with the elected members for the area, Inniskeen club representatives and senior Council officials; if the outstanding contribution is paid to the Council by the club will the Council ensure that the footpath is put in place by year end 2009?

Reply: *The Council is prepared to carry out the works as agreed to in the meeting referred to above and confirmed in writing by the Director of Services, Planning, subject to the written agreement being put in place by the parties.*

26. In relation to the Carrickmacross – Dundalk regional route (R178) which has been closed for the last 12 months
- (a) when will this road be re-opened for traffic and the diversion route through the Inniskeen area discontinued; given that considerable damage has been caused to the roads in the Inniskeen area as a result of this diversion (Cornagarvoige & Coolderry for example)?
 - (b) what plans have Monaghan County Council to put these roads back to an acceptable standard?

Reply: *This is a Louth County Council Project. The application for the road closure is up until the 9th of December this year. Monaghan County Council is currently seeking from Louth County Council an update on this matter.*

Cllr Murray asked:

27. When will the Council install the two public lights promised for Cloughvalley?

Reply: *Prioritisation of new street lighting will be discussed the next Area Roads Meeting.*

Urgent Business:

The Mayor advised the Members that she had received three items of Urgent Business in relation to

- (1) The swine flu vaccination programme
- (2) The proposal to amalgamate V.E.C's
- (3) The withholding of the Christmas bonus from Social Welfare recipients

It was agreed to deal with all three items of Urgent Business.

- (1) Cllr Connolly proposed, Cllr McElvaney seconded

“ That in relation to the H1Ni (Swine Flu) vaccination programme, Monaghan County Council calls on the HSE to indemnify GP's in relation to the administration of the swine flu vaccinations thereby giving an undertaking similar to that given to other health professionals and the manufacturers of the vaccine.”

In moving the motion Cllr Connolly stated that the HSE should provide GP's will the same indemnity that is being afforded to other health professionals. He respected the right of GP's to opt in or out of the vaccination programme but he thought the impediment of not extending the indemnity to them should be removed. He also expressed concern at a directive encouraging people over 65 not to be vaccinated particularly as they are one of the target groups for the winter flu vaccine. Cllr McElvaney stated that GP's best knew the patient and indemnity should be provided to them forthwith.

The Mayor put the motion to the meeting and it was agreed unanimously.

- (2) Cllr Bannigan proposed, Cllr Murray seconded

“ That the Council discuss the efforts of the Minister for Education and Science Mr. Batt O'Keeffe to amalgamate VEC's and the effects that this will have on local democracy ”

In proposing the motion Cllr Bannigan highlighted the following –

- *The McCarthy Report recommends the amalgamation of VEC's. As we now know this proposal was already being driven by Department of Education officials and Minister O'Keeffe*

- *Administration costs in Co. Monaghan VEC are €600,000. By amalgamating not one cent of savings will accrue to the Department – there will be no savings in staff numbers.*
- *Five to six years ago on Budget Day, in a blaze of publicity, decentralisation was announced of all Government Departments. Now it is amalgamation with no thought being given to the economic effects that it will have on the economic life of the areas where local services are removed – there are numerous examples in Co. Monaghan ie the General Hospital, the Military Barracks, the Department of Agriculture Offices, the Weather Station, etc.*
- *Where is local democracy in all of this? VEC's are democratically elected by the people. This is little or no wastage. Can we say the same about the Department of Education? – ie the School Building Unit in Portlaoise has a €580m underspend this year – why the inefficiencies and the unnecessary red tape? The County VEC's should be the building unit for all schools in the county and the money will be spent*
- *Abolishing 8 VEC's saves the expenses of 200 members – leave the county structures and reduce the remaining committees by 5/6 members – this will have the same effect.*

The motion was put to the meeting and agreed unanimously.

It was agreed that the motion would be circulated to the Irish Vocational Education Authority. (IVEA)

(3) *Cllr Crowe proposed, Cllr Keelan seconded, and it was agreed,*

“ That Monaghan County Council recognises the hardship that will befall many families and pensioners if the government's plan to withhold the Christmas Social Welfare Payment (better known as the Christmas bonus) this year is implemented and calls on the Minister for Finance Brian Lenihan TD and the Minister for Social and Family Affairs Mary Hanafin TD to restore the Christmas Social Welfare payment.

In moving the motion Cllr Crowe stated that in 2008 the payment was made to around 1.3m people: 940,000 recipients and an estimated 400,000 dependents. Despite the severe economic difficulties faced during the 1980's the revenue was always found to cover this payment. Recognising that the removal of the payment will:

- Cause great hardship and force families dependent on social welfare who rely on this payment to cover the costs associated with Christmas into the hands of ruthless money lenders.
- result in elderly people who use this additional payment to help cover the costs of fuel over the winter going without sufficient heating this year.
- depress local economies and put businesses and retailers who rely on the Christmas trade under further pressure by taking money out of local towns in Co. Monaghan

The motion was put to the meeting and agreed unanimously.

16. Votes of Congratulations:

The Council agreed to extend a vote of congratulations to the following:

- Corduff Ladies Football team on winning the Ulster Junior football title and reaching the All Ireland Junior Semi Final.
- Donaghmoynne Ladies Football team on winning the Ulster Senior football title
- Monaghan Harps G.F.C on winning the Intermediate Football Championship, the Paddy O'Rourke Cup
- Pauric McKenna, St. Mellans GFC on winning the U-15 World Handball title at the World Handball Championships in Oregon, U.S.A. recently
- Darren Doherty, Emyvale GFC on winning the 13 and Under Big Ball Singles competition at the World Handball Championships in Oregon, U.S.A. recently
- Coláiste Oiriall on receiving official recognition from the Department of Education and Science.

December Council meeting:

Mayor Humphreys advised the meeting that she wished to have the December meeting held in Clones and that the venue would be the Clones Credit Union Board Room. This was agreed.

The meeting then concluded.

Signed: _____
Meara Meetings Administrator

Date: _____