

**Minutes of Council Meeting held in the Ballybay Wetlands Centre, Clones Road, Ballybay, Co. Monaghan on Tuesday 6<sup>th</sup> November, 2007 10.00 a.m.**

**Chair:** Cllr G Carville, Mayor

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

Mr. D. Nelson, County Manager, Mr. M. Fitzpatrick, Mr P. Clifford, Mr D. Fallon and Mr A King, Directors of Service, Mr John Murray, Head of Finance, Mr A Hughes, Senior Planner, Mr Toirleach Gourley, Senior Executive Planner, Ms. C. Thornton, Meetings Administrator and Ms. A. Mackle, A/Staff Officer.

At the outset, Ms Christina Cassidy from Ballybay Development Association welcomed the Members and staff of Monaghan County Council to the new Ballybay Development Association Wetlands Centre.

**1. Minutes**

- (i) *“On the proposal of Cllr McElvaney, seconded by Cllr Treanor it was agreed that the minutes of the Council meeting held on Monday 17th September, 2007 be confirmed”*
- (ii) Cllr Maxwell proposed that the Minutes from Council Meeting held on 1<sup>st</sup> October 2007 relating to Bus Eireann (page 8) be amended to read, “An application has been made to the Department of Transport to increase the current 177 Bus Service from Monaghan via the Port Tunnel”.  
  
*On the proposal of Cllr McElvaney, seconded by Cllr B McKenna it was agreed that the minutes of the Council meeting held on Monday 1<sup>st</sup> October, 2007 be confirmed subject to the foregoing amendment”*
- (iii) *On the proposal of Cllr B McKenna, seconded by Cllr McElvaney it was agreed that the minutes of the Council meeting held on Monday 15<sup>th</sup> October, 2007 be confirmed”*

**2. Correspondence:**

**The following correspondence was circulated to the Members:**

- A letter from Noel Dempsey, T.D., Minister for Transport regarding Bus Eireann’s proposed service from Omagh to Dublin serving Monaghan.
- Letter from Aidan Duane, Private Secretary to Minister Sargent acknowledging receipt of a letter in relation to Food Labelling.
- Letter from Mr. Brendan Smith, TD, Minister for Children acknowledging receipt of a letter concerning the Community Childcare Subvention Scheme.
- Letter from Ms. Martina Kearney, Private Secretary to Minister for Agriculture and Food, Mary Coughlan, TD, concerning the passing of a resolution by Monaghan County Council in relation to the WTO talks.

- Letter from Ms. Martina Kearney, Private Secretary to Minister for Agriculture and Food, Mary Coughlan, TD concerning a resolution passed supporting the Irish Farmers Association stance on the WTO talks.
- Letter from Ms. Martina Kearney, Private Secretary to Minister for Agriculture and Food, Mary Coughlan, TD concerning a resolution in relation to the Irish Farmers Association efforts to highlight the serious issues with Brazilian beef imports within the European Community.
- Letter from Mr. Gerard Gibbons on behalf of Proinsias De Rossa, Labour MEP for Dublin in relation to the motion adopted by Monaghan County Councils on the WTO talks.
- Letter from Ms. Marian Harkin, MEP in relation to the WTO talks and the issue of food security.
- Letter from Mr. Brian Crowley, MEP in relation to the WTO talks and the issue of food security.
- Letter from Mr. Barry McElduff, MLA in relation to the Re-opening of the Ulster Canal.
- Letter from His Excellency Patrick Binns, Canadian Ambassador accepting an invitation on behalf of himself and his wife Carol to lunch hosted by Monaghan County Council.
- Letter from Mr. John Conroy, Private Secretary to Mr Martin Cullen, T.D., Minister for Social & Family Affairs acknowledging receipt of a letter in relation to Habitual Residency Conditions and the payment of Child Benefit by the Community Welfare Officer.
- Letter from Mr. Anthony Clinton, IFA Development Officer in relation to the Members support of a conference entitled “The Future of Milk Production in the Ulster North Leinster Region”
- Letter from Ms. Marie Deighan, Town Clerk, Monaghan Town Council in relation to a Notice of Motion adopted by their Members regarding the new Community Childcare Subvention Scheme.
- Letter from Noel Boyle, Secretary to Clones Town F.C. thanking Monaghan County Council for agreeing to appoint a Soccer Development Officer in the County.
- Conference Report from Cllr Matt Carthy who attended the La Touche 2007 Autumn Seminar entitled “The Changing Ireland – Are Local Authorities prepared?”
- Conference Report from Cllr Matt Carthy who attended the Planning Seminar for Councillors in the Earl of Desmond Hotel, Tralee, Co Kerry.

### **New Community Childcare Subvention Scheme**

*At the request of Cllr Kieran it was agreed to circulate the following two resolutions to all other Local Authorities.*

“That Monaghan County Council calls on the Government to reverse the Habitual Residency condition which must be met by certain people seeking certain social welfare payments including Child Benefit and that this payment is reinstated to the most vulnerable people in our society”

“ That this Council calls on the Government to speed up the process of determining the status of those seeking asylum in this country and that Child Benefit should be paid on a monthly basis through the Community Welfare Officer until their status is determined ”

### **Canadian Ambassador Patrick Binns**

The Members agreed to hold a Civic Reception and lunch for the Canadian Ambassador Patrick Binns and his wife Carol on November 28<sup>th</sup> 2007 in the Glencarn Hotel, Castleblayney, Co Monaghan.

### **Road Signage along the New Bypass**

A number of members raised the issue of signage along the new bypass. The expressed the view that hotels along with other business groups have regional importance and require proper signage. The guidelines from the National Roads Authority should have some level of flexibility.

In response Mr. Michael Fitzpatrick, Director of Roads said the National Roads Authority adopted a policy in March 2007 in relation to road signage on national primary - this is the NRA's policy and not Monaghan County Councils. The matter was discussed at a recent SPC meeting when it was recommended that the SPC would prepare a policy document that would be brought to the full Council via the Corporate Policy Group.

*On the proposal of Cllr Carthy, seconded by Cllr Coyle it was agreed that the Roads and Environment Strategic Policy Group urgently review the policy on all aspects of road signage.*

*On the proposal of Cllr McNally, seconded by Cllr Crowe it was agreed to that the SPC report/proposal would be an item on the Agenda for the February Council meeting.*

### **Carrickmacross Mixed Use Development**

Mr. Michael Fitzpatrick, Director of Services referred to the letter which he had circulated to each Member.

He advised that Monaghan County Council had been in negotiation with Rocktown Development for the past eighteen months in order to complete an agreement to deliver the Carrickmacross mixed use development under a Public Private Partnership. The mixed-use development would have consisted of offices for the County and Town Councils, a Branch Library, Decentralisation offices, offices for the County Enterprise Board and commercial and residential developments. The Council had passed a Section 183 resolution transferring the land to Rocktown at its meeting on 3<sup>rd</sup> September.

Discussions with Rocktown were being brought to conclusion. However, last week a letter was received from Rocktown stating they would not be proceeding with the project for the following reasons:

- The significant downturn in the market generally and particularly for residential accommodation
- The cessation of work on the shopping centre on the Ardee Road, the success of which is critical to the development of the general area, including the Convent Lands Site
- Building cost inflation being non-recoverable under the terms of 'The Request of Proposals'

Mr Fitzpatrick stated that, in his view, another contributing factor to their withdrawal from the scheme was the change of attitude of the funding providers over the last few months.

He stressed that Public Private Partnerships operate in a manner that shares risk between developer and landowner. Rocktown were unwilling to take the risk negotiated for the reasons mentioned above.

He advised that he had arranged a meeting with the staff from the office of Public works on Wednesday to discuss options for continuing the process of securing offices as part of the decentralisation process. It will also be necessary to review the options for the provision of offices for the County and Town Councils and the Branch Library.

A number of Members voiced their disappointment over this project not going ahead and raised the following issues:

- While they in no way blamed the Executive for this decision they were opposed to Public Private Partnerships and were unhappy with the attitude of Rocktown Developments towards concluding the deal. To lose a sixty million euro project was a major blow for Carrickmacross and indeed County Monaghan.
- The Shopping Centre project on the Ardee Road is in a prime location and will be completed in due course – there is too much at stake for it not to be.
- If the Council had gone with a local developer they would have been less likely to walk away.
- The Council should consider re-locating both Carrickmacross Town Council and the Library to the Carrickmacross Workhouse site.
- Some Members believed that once the Section 183 Notice was signed, neither party could walk away from the agreement.
- Future development of this site must include recreational facilities.
- Some Members had requested information during this process which was not forthcoming and they took exception to this.

In response to queries from the Members Mr. Michael Fitzpatrick stated that the reason the Council entered into a Public Private Partnership for the development of this site was because they did not want the ten acres of land developed in an ad hoc way.

The process was the most comprehensive one he was ever involved in. Approximately seventeen expressions of interest were received initially - these were short listed to seven companies were invited to submit a more detail. Two companies chose not to submit a tender and one company later dropped out of the process. Four companies presented for interview by a panel made up of a County Manager, a Senior Architect, the Manager of the Ballymun Regeneration Partnership and a Senior OPW Architect. The submissions were also assessed by outside professionals in relation to finance, viability, planning etc.

After eighteen months of negotiations it was down to reaching agreement on one/two specific clauses. The developer's funders were now more actively involved and they raised a number of issues relating to risk transfer. They were also looking at the viability of the housing market.

The Council held off signing the agreement until they were absolutely satisfied that they knew the details of each element of the project and in particular the Civic Offices and library. The Council would not transfer the land at the commencement of the project – parts of the site would only be released when elements of the scheme were completed. This was the Council's safeguard that the land would not remain a building site for a number of years.

It was proposed to sign the contract on the day the section 183 was approved. The matter was deferred by the Council at the meeting on the 27<sup>th</sup> July and a change in the design requirements for the apartments also meant that the agreement couldn't be signed until the September meeting. Whilst the Council agreed the Section 183 disposals in September, negotiations were still continuing.

The County Manager stated that the Convent Lands project proposed by Rockland Development represented best value for money for both Monaghan County Council and Carrickmacross Town Council. The delivery of important civic facilities for the town of Carrickmacross was paramount. He stated that the exact same process which had been undertaken in Carrickmacross had proven very successful in Monaghan Town where a mixed-use development was now under construction. However market forces have affected progress on the Carrickmacross development. During the more recent negotiations it was clear that security for borrowings on the part of the developers was a major issue. The civic facilities were effectively being financed by the commercial and residential elements of the scheme. The downturn in the economy in this sector had adversely affected the scheme in the short term. However he was satisfied that in the medium to long term a scheme of this nature would be attractive as the lands owned by the Council were valuable.

In response to issues raised by a number of members the manager stated that it was not possible to discuss sensitive commercial information with the members of the Council during the negotiations stage.

Mr. Fitzpatrick stated that until he got the formal letter from the developer withdrawing from the process, he could not have informed the Council of the details.

*On the proposal of Cllr Maxwell, seconded by Cllr Carville it was agreed that Corporate Policy Group look at the system of releasing sensitive material to the Members and bring a report back to the full Council.*

*Cllr McNally proposed, Cllr McElvaney seconded that the Council immediately consider the disposal of a site to the OPW to facilitate the decentralisation process.*

Mr. Michael Fitzpatrick asked that the Members hold off on this proposal as he had arranged a meeting with the Office of Public Works the following day and a Section 183 had already been agreed by the Members to give this site to the OPW. This was agreed.

*Cllr McNally proposed, Cllr McElvaney seconded that the Council proceed to draw up plans for a Town Council/Area Office/Branch Library on this site.*

*On the proposal of Cllr Carthy, seconded by Cllr McElvaney it was agreed to establish a sub committee consisting of South Monaghan Members, Michael Fitzpatrick, Director of Services and the County Manager to examine the site and decide what is appropriate for it and should include indoor leisure facilities.*

Cllr McNally agreed to defer consideration of his motion relating to the Council offices/library to the new sub-committee.

**3. Part VIII – Local Government (Planning and Development) Regulations 2001 - Ref No: 07/8006**

On the proposal of Cllr Carthy, seconded by Cllr McNally it was agreed to approve the construction of an All Weather Playing Pitch and associated works at Convent Lands, Drummond Otra, Carrickmacross, Co Monaghan as per the Director of Planning Services report dated 22 October 2007.

**4. To approve Section 183 Notices**

**(i) Disposal of land at Onomy, Castleblayney:**

*On the proposal of Cllr O'Brien, seconded by Cllr Crowe it was agreed that the disposal of 1.49 acres of land situated in the townland of Onomy, Castleblayney to the Trustees for the Lough Muckno Water Ski Club (Donal McGuigan, Seamus Mallon and Gay Burnett), Castleblayney in accordance with notice dated 23<sup>rd</sup> October, 2007 under Section 183 of the Local Government Act, 2001, be approved.*

(ii) **Disposal of land at Drummond Otra, Carrickmacross**

*Cllr McNally proposed, Cllr Keenan seconded that the disposal of .6089 hectares of land situated in the townland of Drummond Otra, Carrickmacross to Patrick & Briega Boylan, Kednaminsha, Inniskeen in accordance with notice dated 1<sup>st</sup> October, 2007 under Section 183 of the Local Government Act, 2001, be approved.*

A vote by show of hands on the proposal resulted in 15 for 1 against. The Mayor declared the motion carried.

**5. To consider Planning Application to An Bord Pleanála by Quinn Group Ltd for the construction of a Strategic Infrastructure Development.**

Mr. Adrian Hughes, Senior Planner referred to the report dated 1<sup>st</sup> November 2007 from Mr. David Fallon, Director of Services for Planning, in relation to the proposed strategic infrastructure development by the Quinn Group Ltd. He stated that, in accordance with Section 37(E)(4) of the Planning and Development Act 2000, planning applications for strategic infrastructure developments must be forwarded to An Bord Pleanála for determination. He advised the meeting that the planning authority is required to prepare and submit a report to An Bord Pleanála in respect of the effects of the development on the proper planning and sustainable development of the area of the authority (this report was circulated to the members). He also advised the members that they may, by resolution, make recommendations, which may be attached to the report and submitted to An Bord Pleanála

He advised that while the site of the plant was located in Co Louth, approximately 10 metres of an access link road was located in County Monaghan. Mr. Hughes gave a brief outline of the content of the report;

**Link Road** - no objection in principle subject to conditions and the acquisition of third party lands.

**Environment** - Some issues regarding impact on proposed NHA (Monalty Lough) & archaeology to be addressed

**Visual Aspects** – Further details on the visual impact of the development on County Monaghan required

**Emissions** – To be dealt with by EPA.

A number of Members outlined concerns in respect of the development, which included:

- Visual impact
- Traffic management issues in respect of the Red Bog Road, which needs upgrading
- Water supply issues in respect of local GWS capacity, as water supply will be needed for steam production
- Emissions.
- Long-term development of Killanny will be affected.
- The Strategic Policy Committee should look at this application.

In response Mr. Adrian Hughes said it was estimated that the road traffic would not increase substantially. However, the report had recommended that a road safety audit, stage 1,2 & 3 would be required. He also stated that the water requirement for the plant was limited. He advised the members that the report had to be forwarded to the Bord by November 26<sup>th</sup>, 2007.

*On the proposal of Cllr Maxwell, seconded by Cllr McNally it was agreed to arrange a meeting of the Planning, Economic Development and Water Services Strategic Policy Committee (SPC) on November 14<sup>th</sup> 2007 and any south Monaghan Members who wished to attend, to view the location of this new development and consider its impact on the surrounding areas. Representatives of the Quinn Group were to be invited to attend. Any findings will be reported back to the adjourned Council Meeting on November 19<sup>th</sup> 2007.*

**6. To approve Overdraft Accommodation:**

*On the proposal of Cllr McElvaney, seconded by Cllr Kieran it was agreed to approve overdraft accommodation in the sum of €10m for the period 1<sup>st</sup> January 2008 to 30<sup>th</sup> June 2008.*

**8. To fix date for Statutory Budget meeting:**

The Members agreed to hold the Statutory Budget Meeting on the morning of December 3<sup>rd</sup>, 2007 at 10.00 a.m in the Iontas Centre, Castleblayney, followed by the monthly County Council meeting at 2.30 p.m.

**9. Housing Adaptation Grants Scheme:**

Mr. Stephen McGeough, Housing Section gave a detailed presentation on the newly introduced Housing Adaptation Grants Scheme for older people and persons with a disability. In his presentation he outlined the following:

- It is Government Policy to maintain people in their own homes
- A Special Housing Aid for the Elderly Scheme to local authorities will commence.
- A revised framework of grant aid will cover, Housing Adaptation Grant for people with Disability, Mobility Aids Housing grant scheme and Housing Aid for Older People Scheme.

**Housing Adaptation Grant for people with a Disability**

- Provision/adaptation of accommodations meet the needs of people with a disability.
- Types of works will include, access ramps, stair-lifts, downstairs toilet facilities, accessible showers, wheelchair access, extensions etc
- Prioritisation on the basis of medical needs.
- The maximum grant is €30,000, for a new house it is €14,500 or 95% of costs of works
- They need two quotations
- Standardised Means testing.

### **Mobility Aids Housing Grant Scheme**

- Fast track scheme to address mobility problems, minor works will include level access, showers, ramps etc
- Targeted at those on lower incomes €30,000 p.a.
- Maximum grant of €6000
- One quotation, will cover 100% of works

### **Housing Aid for Older People**

- Assist older people in carrying out necessary repairs and improvements.
- Implements Government Decision to transfer Special Housing Aid for the Elderly scheme from HSE to Local Authorities
- Targeted at those over 60 yrs
- Maximum grant of €10,500.
- One quotation
- Standardised means testing per housing adaptation grant.
- Recoupment rate to local authorities increased to 80%
- Income disregards of €5,000 for children and students or where person with a disability is being cared for.

### **The members raised the following issues:-**

- They welcomed the fact that the Council is now in control of all housing grants schemes
- They were opposed to means test requirements and particularly where a son/daughter take an elderly parent(s) into their home and are in excess of the income limits required to avail of the grant scheme.
- They were concerned that Occupational Therapists are not under Council control
- They recommended that all new houses should have a downstairs bedroom and bathroom.

*On the proposal of Cllr Gallagher, seconded by Cllr Carville it was agreed to write to the DoELG asking that regulations be changed to ensure that all new houses built in the future should have a downstairs bedroom and bathroom.*

*“ On the proposal of Cllr Gallagher, seconded by Cllr Carville it was agreed that this Council writes to the DoELG asking that the scheme be reviewed to ensure that where elderly parents are being cared for in a son/daughters residence, and refurbishment works are required to accommodate them, that the criteria relating to the householder’s (son/daughters) income limits would be reviewed ”*

## **11. To approve recommendations from CPG/Twinning Committee:**

- On the approval of Cllr Carville, seconded by Cllr B McKenna it was agreed to approve the recommendations from the Corporate Policy Group meeting held on 9<sup>th</sup> October 2007.*

(ii) *On the proposal of Cllr Carville, seconded by Cllr B McKenna it was agreed to approve the recommendations of the Twinning Committee meeting held on 15<sup>th</sup> October 2007.*

**12. To approve nomination to the Local Traveller Accommodation Committee:**

*On the proposal of Cllr Carthy, seconded by Cllr Kieran it was agreed to approve the nomination of Emma Jane Hoey to replace Barney Power on the Local Traveller accommodation consultative committee.*

**13. To receive minutes of Local Traveller Accommodation Committee meeting:**

*On the proposal of Cllr Carthy, seconded by Cllr Kieran it was agreed to note the minutes of the Local (Traveller Accommodation) Consultative Committee meeting held on 18<sup>th</sup> October, 2007.*

**14. To approve establishment of Social Inclusion Unit:**

The Members considered the report dated 26<sup>th</sup> October 2007 from Mr. Adge King, Director of Community & Enterprise recommending the establishment of a social inclusion unit within Monaghan County Council. The report outlined the purpose of the unit, the role and function of it, how it will operate and the expected outputs. The approximate cost per annum to staff the unit is €130,000, 50% of which will be met by the Department of the Environment.

*On the proposal of Cllr Bannigan, seconded by Cllr Humphreys it was agreed to approve the establishment of a Social Inclusion Unit in Monaghan County Council.*

**15. To fix date for presentation on the N2/N54 Inner Relief Road:**

The Members agreed to receive a presentation in relation to the Part 8 process, - N2/N54 Inner Relief road, Monaghan Town on Monday 19<sup>th</sup> November at 12.00 noon. It was agreed that the Members of Monaghan Town Council would be invited to attend the presentation.

**Adjourned Meeting**

The Members agreed to hold an adjourned meeting of this Council on November 19<sup>th</sup>, 2007 in the Mtek Building, Knockaconny, Armagh Road, Monaghan.

**Minister Noel Dempsey, TD**

The Mayor advised the Members that Mr. Noel Dempsey, TD, Minister for Transport had agreed to meet with a deputation from Monaghan County Council to discuss Monaghan General Hospital, and various roads issues. This meeting had been arranged for December 7<sup>th</sup> at 3.00 p.m. in the Trim Town Council Offices.

The Members agreed that the delegation would comprise the Mayor, two members from each political party, Cllr Martin together with appropriate officials.

### **Opening of Castleblayney Bypass**

A number of Members paid tribute to the Mayor and the officials for the opening of the Castleblayney bypass which was a major occasion for all concerned and represents many years of lobbying by present and past Council members.

The County Manager thanked all the Members, Staff and Minister Noel Dempsey for the successful opening of the Castleblayney Bypass. He said it was remiss of him not to have acknowledged the work of the Members and former Members of the Council, at the official opening. He now wished to put on record his thanks to them also.

***On the proposal of Cllr Bannigan, seconded by Cllr Crowe it was agreed to that the contractor be requested to conduct sound monitoring along the new Castleblayney Bypass to ensure sound barriers were erected at the relevant locations.***

Cllr Crowe suggested that a meeting of the Mid Monaghan Members should be arranged to discuss any issues relating to the bypass.

### **Urgent Business**

The Mayor referred to two Notices of Urgent Business, which had been submitted

(1) In the names of Cllrs McNally, Coyle, O'Brien, Kieran and Gallagher:

***“That this Council suspends Standing Orders to discuss the proposed 400kv Electricity Line linking Cavan and Tyrone via large areas of County Monaghan”.***

(2) In the names of Cllr Bannigan, Keenan, McElvaney, Humphreys, Maxwell, P McKenna and Carville:

***“That this Council discuss the decision of Minister Coughlan and the Government to suspend the Forum Investment Programme”***

Cllr Maxwell proposed, Cllr Keenan seconded that the items of Urgent Business be dealt with at the adjourned meeting.

***Cllr McElvaney proposed, Cllr Maxwell seconded that the urgent business be dealt with today and that the debate on each item limited to five minutes.***

Cllr Maxwell agreed to withdraw his proposal. Cllr McElvaney's proposal was agreed.

### **Urgent Business Item 1.**

In proposing the motion of urgent business, Cllr McNally said there Eirgrid had given a very broad outline of where the proposed power lines will go. A lot of the proposed line is in areas which are under strong urban influence and although Eirgrid have stated they do not want development within 600 metres of the line, there are houses dotted throughout this area so it would be difficult to avoid locating a power line near a number of residences. He said he has talked to a number of communities about the proposed route and while no one is objecting to the upgrading of the system they are all insisting that the power lines be placed underground. Cllr Coyle seconded the proposal and endorsed the sentiments expressed by Cllr McNally.

During the course of a debate the following points were raised by the Members:-

- The people of County Monaghan need to take a firm and united stance and insist that these lines are placed underground, regardless of the final location of power lines.
- Eirgrid informed the Council at an earlier meeting that these power lines would cost ten times as much to go underground as over ground, however subsequent profit would offset the costs.
- The visual aspects of the area would be destroyed – property will be devalued if these power lines are located over ground.
- Monaghan County Council cannot make a planning objection until Eirgrid specify a route.

Cllr Carville requested the agreement of the Council to move Notice of Motion 20 (f) at this point. This was agreed.

***Cllr Carville proposed, that this Council establish an all party Working Group to prepare a response on behalf of the members of the Council to the proposed Eirgrid Interconnector and that this Group be empowered to meet with relevant parties in order to formulate its response before bringing any proposals back to the full Council.***

Cllr Carville's motion was seconded by Cllr Maxwell and agreed by the Council.

It was further agreed that the Members of the Carrickmacross and Castleblayney Electoral Areas would form the proposed Working Group.

### **Urgent Business 2**

In proposing the motion Cllr Bannigan stated that on Wednesday 31<sup>st</sup> October, 2007 the Farm Improvements Grant Scheme was suspended. This scheme, brought in by the Department of Agriculture in conjunction with the Social Partners was introduced as a measure under the Nitrates Directive. The scheme was introduced in July 2007 this agreement with the Social Partners was

breached and any applications received after the 31<sup>st</sup> October will not to be processed. Four months was not long enough for people to ensure their completed application was in. The main category of farmer affected by this would be sheep farmers.

***On the proposal of Cllr Bannigan, seconded by Cllr Keenan it was agreed to “That this Council calls on the Minister for Agriculture, Fisheries and Food, Mary Coughlan to immediately re-introduce the Farm Improvement Scheme as agreed under the Social Partnership. This scheme is vital to allow farmers to continue to invest in their business, meet their commitments under Environmental Regulations and to ensure the survival of agriculture into the future.***

Cllr McNally said this scheme was being phased in, the first schemes closed to applications on December 31<sup>st</sup> 2006 and some people are only getting their approval now – the biggest fear for these applicants is that they wont get the work finished in time for the December 2008 closing date. He suggested that this date be extended. The second scheme covers technical areas but he was in agreement that notice of its closure was too short. He understood that there will be further phases under which applications will be invited – the closure is due to the sheer volume of applications received and is to allow theses applications to be processed

A number of Members said this was the first time they had heard that the scheme was in phases and the Government should have made the applicants aware of this and should of advertised a closing date.

***On the proposal of Cllr McNally, seconded by Cllr Coyle it was agreed to write to the Minister for Agriculture, Fisheries and Food, Ms. Mary Coughlan T.D., requesting that the closing date for completion of construction works under the Farm Waste Management Scheme be extended beyond 31<sup>st</sup> December, 2008.***

## 19. Questions

**Cllr Carville asked: -**

- a. When will the Council provide improved safety measures at the junction known as Cremartin Cross?

**Reply: *The County Council has applied for funding in 2008 at this location under the Low Cost Accident Reduction Measure. Subject to funding, works will be carried out in 2008.***

- b. When will public lighting be provided at Mullyash as agreed at the Castleblayney Road Area Committee?

**Reply: - *The proposed civil works including ducting and bases will commence by early November.***

**Cllr Carville asked:**

c. What is the total cost to date of the Castleblayney By-Pass and specifically?

(i) How much has been paid out to date in compensation to landowners affected by the CPO and how much is estimated to be outstanding?

**Reply: *Approximately €10m has been paid to date in compensation to landowners. It will not possible to estimate how much is outstanding until all negotiations are complete.***

(ii) How much has been paid to date by the Council to the Contractors and what is outstanding?

**Reply: *To date the contractor has been paid €54m excl. VAT. It is not possible to give a figure on what is outstanding until the scheme is complete and all contractor claims have been received.***

(iii) What is the estimated total cost of the construction of the By-Pass and the accommodation works and how will the total cost compare to the budget for same?

**Reply: *The total estimated cost of the construction of the By-Pass and the accommodation works is €115m. It is anticipated that the final cost will be within budget for the scheme.***

(iv) How long will the contractor will responsible for the road and the accommodation works?

**Reply: *Two years after the scheme has been fully taking in charge. It is anticipated that the whole of the works should be ready for taking in charge early in 2008.***

d. Will the Council provide speed ramps on the road from Annyalla village to Annyalla National School in order to reduce accident risks?

**Reply: - *The County Council through its Roads Safety Section will examine options at this location and will report back when the site is assessed.***

e. How many Houses has the Council acquired in Castleblayney Electoral Area in 2007 under Part V of the Planning & Development Act and what does this figure represent in terms of the percentage of total houses constructed in developments to which the provisions of the Act apply?

**Reply: -**

***8 houses are under construction in Annyalla under Phase 1 of a development***

***5 houses are under construction at Conabury, Castleblayney.***

***2 houses are under construction in Ballybay in Phase 1 of a development***

***10 houses are under construction in Oram.***

***The units represent 20% of the development in each case. The Council's policy is to seek developers to provide housing units to meet their commitments under Part V, where practically possible.***

**Cllr McNally asked: -**

- f. (a) What percentage of planning applications goes for further information  
(b) Does this Council feel that this is unusually high?  
(c) Has this Council any plans that might reduce same

**Reply**

*(i) During the period 01 Jan 2007 to 30 Sept 2007 Monaghan County Council received 1973 planning applications. It was necessary to seek additional information in respect of 38% of these applications (i.e. 751 applications)*

*(ii) The percentage of planning applications submitted to Monaghan County Council, which requires the submission of additional information is comparable to other counties, and is not considered unusually high. (e.g. Louth CC 40%, Cavan CC 28%, Donegal CC 35%)*

*(iii) The Planning Section of the Council will continue with its programme of workshops, which aims to inform planning agents. It is hoped that this will help to reduce the number of files, which are invalidated, require additional information, or are refused. I intend to monitor the situation in relation to the Council's own performance and that of the planning agents preparing the applications with a view to improving the service to applicants.*

- g. (a) When will the successful contractor for the Carrickmacross Sewage collection system start work.

**Reply: - *Monaghan County Council expect that work will commence early in 2008***

- (b) Will they be asked to hold a public evening to explain their plans?

**Reply: - *The contractor will hold a public information meeting prior to commencement in either December or January.***

- h. When does the contractor for the Carrickmacross bypass no longer has responsibility for same?

**Reply: - *Although the maintenance period for the main contract has expired the main contractor has some outstanding snags to complete and he has promised to have them completed by the end of this year. The landscaping contractor has promised to have all outstanding works completed by March 2008. The maintenance period for the landscaping contract expires at the end of 2008.***

- i. Will this Council review its policy regarding road signage for private business with a view to being more sensitive to companies needs

**Reply: - *This matter has been brought up at the recent Roads and Environment SPC and it was agreed that a report would be prepared with a view to drafting a policy on all signage on the road network.***

**Cllr Crowe asked: -**

- j. In the interests of safety for students at Annyalla national school, will Monaghan Co. Council install ramps as part of measures to ensure that cars will be going at a safe speed when approaching the school"?

**Reply: - *The County Council through its Roads Safety Section will examine options at this location and will report back when the site is assessed.***

**Cllr Matt Carthy asked: -**

- k. What is the up-to-date position regarding the provision of an athletic running track and ancillary facilities on the Convent Lands in Carrickmacross?"

**Reply: - *Carrick Aces Club will be making a presentation to the Elected Members from the Carrickmacross Area to the Town Council meeting in November where they will advise Members of the current position regarding their proposals.***

- l. Will the council agree to introduce a weight restriction on the Killygally Road (LT48011) to the West of Mokeerin Quarries considering the dangerous and narrow nature of this section of road and the availability of suitable alternatives for heavy goods vehicles?"

**Reply: - *From discussions with the Elected Member at the recent area meeting, it appears that there are a number of issues to be addressed at this location. The Council will examine the situation and consider, inter alia, a weight restriction to address the problem.***

- m. What plans does the council have to provide a footpath at Lurgans, Carrickmacross?

**Reply: *Monaghan County Council has received a number of recent Planning applications for large residential developments on the Lurgans hill. As part of the planning conditions the developers are conditioned to provide footpaths and lighting from the developments to join in with existing footpath.***

**Cllr Sean Conlon asked: -**

- n. Further to the presentation from MSPCA at the September monthly meeting, what advances have been made on the agreed proposal that a member of planning staff be delegated to liaise with MSPCA on exploring the possibility of a Council site being made available for a new dog pound.

**Reply: - *Review of the existing facilities will be undertaken, in conjunction with the County veterinary Officer, with a view to preparing a programme for the future development of this service. Consideration will be given to securing a site in the context of this review.***

- o. Further to the opening of tenders on the 26<sup>th</sup> June indicating expressions of interest from contractors for the re-instatement of the Knocknaginny and Annagharoe Bridges, what advances have occurred or are anticipated to ensure progress of same.

**Reply: -The expressions of interest, which were received on 26th June, have been examined and 4 consultants short-listed to proceed to the next stage of the procurement process.**

***In consultation with the Northern Ireland Roads service and the Department of Transport, a detailed brief and tender documentation in accordance with the Department of Finance new forms of contract has been prepared and issued to the short listed consultants.***

***The closing date for the return of completed tenders is 30<sup>th</sup> November. It is expected that interviews will occur in early December thus allowing Monaghan County Council to appoint the successful consultant during December.***

***It is anticipated that subsequent to completion of the necessary public consultation and planning processes that construction on the replacement of the bridges will commence mid 2008.***

**Clr V P. Martin asked: -**

- p. Will the new proposed civic amenity centre planned for Carrickmacross accept polystyrene material? If not what are the plans for dealing with polystyrene?

**Reply: - Currently there are no outlets for the recycling/reuse of polystyrene. Monaghan County Council and the operators of our Materials Recovery facility will continue to seek markets for polystyrene and other materials to meet the targets as set out in the Landfill Directive. Waste polystyrene currently has to be land filled but as soon as a market is available facilities will be provided for its collection.**

- q. (i) Did Monaghan Co. Council export farm plastic waste overseas?  
(ii) If yes, what was the name and address of the recycling firm and how much did it cost to export?  
(iii) Was the said farm plastic waste treated or untreated?  
(iv) Is Monaghan County Council satisfied that the said collection and exporting of farm plastic waste was carried out in compliance with the guidelines and requirements of the Department of the Environment, Heritage and Local Government?

**Reply: - Monaghan County Council participated in the National Collection of Farm Film Plastics in September 2007. The contract for the Collection was awarded (following a public tendering process) to a firm called Clear Power based in Blessington, Co. Wicklow. The firm identified a major plastics recycler in Dumfries, Scotland as the end user – BPI PLC. Payment for the collection is contingent upon the production of weighbridge dockets for all loads collected - no payments have been made to date. It is estimated that approximately 1,000 tonnes of Farm Plastics were collected in the County. On this basis the value of the contract would be of the order of €170,000. The collector will only be paid based on the net weight of the plastics delivered to the end user. Consequently, it is in the interests of the collector to ensure that all plastics are as clean as possible prior to export.**

*The Farm Film Plastics Collection is an example of excellent co-operation across the sector – between farmers, farming organisations, the collector and Council personnel. Monaghan County Council is satisfied that we have complied fully with the terms of the scheme.*

- r. What has caused the latest delay in connecting the new public lights in Inniskeen? What efforts has Monaghan County Council made to have ESB? and others treat this matter as an urgent priority?

**Reply: - *Monaghan County Council has completed the Civil works and is waiting for the ESB to complete the connection of the lights. The Area Engineer has made contact with the various sections of the ESB to investigate the delay in order to have the connections made.***

**Cllr Pat Treanor asked: -**

- s. What options are open to Monaghan County Council to deal with the hardness of the water supplied to the Scotstown and Smithborough area?

(i) The lime is clogging up washing machines, heating systems, etc.

(ii) When will the Council bring forward proposals for the consideration of the Members?

**Reply: - *Whilst there are problems with water hardness in the Scotstown and Smithborough area, there are no health implications from consuming the hard water. However, the lime scale problems with washing machines and heating systems will have to be addressed. MCC are engaging consultants to examine the situation and make recommendations to either soften the water or to link a softer water source to reduce the overall hardness. MCC intend to have the consultant's recommendations available to the councilors in a few months.***

- t. Will the Council consider traffic calming measures at the Boat factory in Newbliss village, to address the danger to children and residents

**Reply: - *The area in question is 160m inside of the 50Kph speed zone and the enforcing of the speed limit is not a function of the Council. The only appropriate traffic calming measures available to the council at this location is the introduction of additional road signage and markings in conjunction with an extension of the speed limit. These measures will emphasize the presence of the 50kph speed zone to oncoming drivers and allow a greater deceleration length for vehicles entering the village.***

- u. When will Monaghan County Council complete a contract with the ESB for the maintenance of Public Lights?

**Reply: - *The ESB already provides an inspection and replacement service to Monaghan County Council for Public Lights as part of the normal charges. There is no need to complete any further contracts with the ESB. Any member of the public can notify the ESB Directly of a faulty light on 1850-372772***

- v. Will the extra lights in Rockcorry be included?

**Reply: - *Extra lights will be included in Rockcorry as part of the Contract.***

**Cllr Bannigan asked: -**

w. (i) In light of the new E.P.A licensing system for Local Authority sewerage plants, how many sewerage plants have Monaghan County Council in the following categories:

- 10,000 population equivalent
- 5,000 – 10,000 population equivalent
- 2000 – 5000 population equivalent
- 500 – 2000 population equivalent

(ii) What cost is involved to Monaghan County Council in the years 2007 – 2008?

**Reply: -**

- (a) *10,000 population equivalent* -3 plants (Monaghan, Carrickmacross & Castleblayney)  
(b) *5,000 – 10,000 p.e.* -3 plants (Ballybay, Clones & Knockaconny)  
(c) *2,000 – 5,000 p.e.* -9 plants  
(d) *500 – 2,000 p.e.* -8 plants

**Costs**

*The Licence Applications and associated licence fee costs for (a) & (b) will be applicable during 2007 and 2008. The licence fee will amount to €165,000 for the six plants involved.*

***In addition***

- *There will be substantial monitoring equipment (and associated civil works) costs for each of the plants and their associated storm overflows; preliminary estimate - €150,000.*
- *Sampling and analysis costs – est. € 50,000 per year*
- *New staff appointment to manage licence applications - €100,000/yr*

x. Would Monaghan County Council organise a meeting between representatives of Monaghan County Council, Cavan County Council, Ballybay Town Council and Coothill Town Council in order to discuss the mutual benefits to all concerned by the development of the Dromore River system between Ballybay and Coothill.

**Reply: -** *If the Members agree to adopt such a proposal the relevant Councils could be approached and a meeting convened.*

**21. Votes of Congratulations/Sympathy**

**Congratulations**

The Members passed a vote of congratulations to Cllr John O'Brien and his new wife Olive on the occasion of their recent marriage.

The Members passed a vote of congratulations to the Primate of All Ireland, Archbishop Dr Sean Brady on his elevation to the position of Cardinal within the Catholic Church.

The Members passed a vote of congratulation to McElvaney Waste Ltd., on being runner up in the Repak Recovery Operator of the Year 2007 – Small/Medium Company

Votes of congratulations were also passing with the following:

- Frank McManus, Clontibret O’Neills on winning the Gormley UPVC Monaghan Senior Championship, the Vincent O’Duffy Cup reserve Football Championship and the Crawley Cup 2007
- Deaglan Crowe on his selection to the Ulster Hurling Railway Cup Team
- Owen Lennon, Thomas Freeman, Dessie Moen, Dick Clerkin and Paul Finlay on the winning of the Railway Cup 2007
- Thomas Freeman on receiving the 2007 All Star Award.
- Anita Finnegan, Aughnamullen Sarsfields GAA club on winning Monaghan Junior Football Championship and best wishes to Aughnamullen in the Ulster Club Championship semi-final against Donegal Champions Annagry.
- Dominic McStravog, Tyholland winning the Monaghan Intermediate Football Championship
- Pauline Dempsey, Latton Ladies GFC on winning the 2007 VHI Healthcare Ulster Junior Football Championship and best wishes in the All Ireland semi-final against Foxrock/Cabinteely (Dublin)
- Aghabog Ladies on winning the 15 a side County Minor Final on Sunday last
- Aaron McCarey on being selected on the U-16 Republic of Ireland soccer team
- Christine McMahan, Carrickmacross on winning the World Kickboxing Championship
- Helen Hughes, Marie Greenan, Mairead McCarron, Eleanor McQuaid who represented Monaghan on the Irish Shinty Team

On the proposal of Cllr B McKenna, seconded by Cllr McElvaney it was agreed to host a Civic Reception for Thomas Freeman in recognition of him receiving an All Star Award recently.

### **Sympathy**

The Members passed a vote of sympathy on the death of Paul Quinn who was killed in County Monaghan and condemned all responsible for his death. They called on those who were responsible or those who know who is responsible to come forward.

***On the proposal of Cllr McElvaney, seconded by Cllr Coyle it was agreed to write to the Minister for Justice calling on him to make adequate resources available to the Garda Siochana in Castleblayney to bring these people to justice.***

It was agreed that a letter should also be issued stating that Monaghan County Council are in full support of the efforts of An Garda Siochana to bring the people responsible to justice.

## 22. Conferences:

The members agreed that the Council would not be represented at the conference entitled “The National Waste Summit 2007” to be held on the 27<sup>th</sup> & 28<sup>th</sup> November 2007 due to the excessive registration fee being charged.

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

Promoting Authority	Subject/Theme	Venue	Dates	Members Selected
A National Tourism Conference	Tourism for Changing Lifestyles	Falls Hotel Ennistymon Co Clare	22nd – 24 <sup>th</sup> November 2007	Benny Kieran Seamus Coyle Jackie Crowe Owen Bannigan John Keenan
Confederation of European Councillors	Tackling Poverty & Social Need in Ireland, North & South	Killyhevlin Hotel, Enniskillen, Co. Fermanagh	7 <sup>th</sup> December 2007	Pat McKenna John Keenan David Maxwell
Drogheda Cross Border Focus	The Future for Co-operation on the Island of Ireland	City North Hotel, Gormanston, Drogheda	24 <sup>th</sup> & 25 <sup>th</sup> November 2007	Pat Treanor David Maxwell Heather Humphreys Owen Bannigan
L.A.M.A.	Annual winter conference	Dolmen Hotel Carlow	9 <sup>th</sup> & 10 <sup>th</sup> November 2007	Cllr V.P. Martin

## 24. Presentation by the Ballybay Development Association.

The Mayor introduced the Chair of Ballybay Development Association Mr Brian Norton and Ms Christina Cassidy to the Members:

The Chair of Ballybay Development Association Dr Brian Norton said the Wetlands Project began seven years ago when the BDA purchased sixty-five acres of farm including a flood plain. Their project was part financed by the rental from rental from Birch Court, they were also very grateful to Monaghan County Council for their assistance to date.

Ms Christina Cassidy said initially when they applied to Failte Ireland with their proposal for the wetlands centre they were met with a lot of negativity. The process deliberated over a protracted period of 18 months before Failte Ireland allocated a grant of €52,000. During this period construction costs increased from €1.29m to €1.49m The Association had to borrow heavily to satisfy the ‘own funds’ requirement in addition to servicing existing borrowings from the initial purchase of Derryvalley Farm. Consequently BDA has exhausted its borrowing capacity until it can generate a revenue stream from the Wetlands

Centre. In view of this, they are seeking a capital contribution of €200,000 from Monaghan County Council to enable the project to move forward into its operational programme and the delivery of ecotourism and environmental/education products.

Their aim is to create a wild life habitat reintroducing and supporting various forms of wild life whose existence depends on a wetland habitat. They have been to other countries to view their education programmes and establish contacts and intend to set up similar programmes in the Wetlands Centre, Ballybay. These programmes are aimed at Leaving Certificate Students, University College Students as well as other interested parties. The fact that the Ballybay Wetland Centre (BWC) was nominated to be lead partner in Water Watch EU is a huge endorsement of its ability to deliver on these activities. The project will see the BWC working alongside 9 EU partners in the design and development of recreational, educational and environmental activities that will be replicated in each of the partner countries.

The Mayor thanked Ms Cassidy for her comprehensive presentation. Ms. Cassidy then responded to queries from the Members.

*On the proposal of Cllr Coyle, seconded by Cllr Keelan the Members agreed that the request for funding from Ballybay Developments Association be referred to the Corporate Policy Group for consideration.*

**25. Presentation by Donaghmoyne Group Water Scheme, Doran Consultants and TJ O'Connor.**

The Mayor, Cllr Carville welcomed Mr. David Walker and Ms. June Gould from Doran Consulting, Mr. Donal McDaid, Mr. John Morris and Mr. Owen Devlin from Donaghmoyne Group Water Scheme and Mr. Paid Cassidy from TJ O'Connor Consultants.

Cllr Bannigan said he believed the reason this meeting was held is to examine the Donaghmoyne's financial figures in relation to a report circulated by Doran Consulting on behalf of Donaghmoyne Group Water Scheme. It was intended to invite both parties along to have a frank discussion about the report that was circulated.

Mr. Paul Clifford said Monaghan County Council had asked TJ O'Connor to examine the Tender Documents, the tendered cost of water in relation to its value for money and the capacity of the proposed plant.

Mr. Paid Cassidy said his brief for today's presentation was to look at the following

- **Tender Documents** – as he understood it Donaghmoyne procurement process was not conducted in accordance with Department Guidelines and the Department were refusing to fund it on that basis.

- **Tendered cost of Water, value for money** – Any comparison between the two projects was complicated by the fact that the pilot project tender was received in 2001 and the tender for the Donaghmoynes plant was dated 2004. They had updated the maintenance by the price variation clause. The increase cost from 2001 – 2004 was in the region of 18.5%; they had taken 7% to be the conservative figure. The big difference was in the capacity of the original pilot project plant and the new plant.
- **Capacity of proposed plant** in the pilot project and was its design adequate. The original plant had a design capacity of 2,270 cubic metres, while the new plant has a capacity in excess of 3,500 cubic metres. The main problem the Department might have is they may have not agreed with the design capacity.
- **Design of Treatment Plant:** - He said he did not see the original design of this treatment plant; however Norrit are a very experienced company.
- **Service Provision:** - He did not see the detailed proposal on the operation and maintenance service contract, therefore he could not comment.

In summing up he said the main problem for Donaghmoynes was the difficulty in getting funding from the Department, as they will say the rules of procurement were not followed. The capital costs were high and the tender was not approved. The Department need to be satisfied that the distribution is adequate however an operations maintenance service contract had not been carried out so far.

In response Mr. Donal McDaid said he wanted to update the Members on Donaghmoynes's Group Water Scheme current situation. The Donaghmoynes GWS plant has been built and tested. On the 12<sup>th</sup> November Donaghmoynes will start a 28-day process proving of the plant. He said the only reason Donaghmoynes did not meet the conditions was because they were blocked by Monaghan County Council on the behest of the Department despite the fact there was a public declaration by the Department that group water schemes would not be punished if they withdrew from the bundles.

Donaghmoynes GWS had given a presentation to Monaghan County Council in March 2006 to show they were the cheapest scheme in the country. At that meeting a resolution was passed by the Members that Monaghan County Council, as lead position in the county, would invite the Minister and his people to find a way around the procurement problem to help grant aid Donaghmoynes. He asked what had happened to this resolution? Had it been censured by the Executive? The Members had also requested that Donaghmoynes Group Water Scheme submit their financial figures to TJ O'Connor Consultants, however Monaghan County Council did not carry out this request until four months later.

He asked was there a conflict of interest in Monaghan County Council's choice of Consultants, as it was unwise to ask someone with a vested interest to carry out this examination. He said Donaghmoynes's average current demand is 3,200 cubic metres. They operate in one of the most densely stocked areas in all of Ireland. There are currently 1,500 houses in their scheme at the moment and the scheme is expanding fast. The design of Donaghmoynes's GWS is for 4,000 cubic metres a day, however Paid Cassidy had prepared the proposal in the

bundle for a scheme with the capacity of 2,280, against a scheme of 4000 capacity today, therefore how can you say this is better value for money?

Mr. McDaid stated that the O&M is made up of three elements:

**Variable cost**, this is fixed regardless of how much is pumped, the yearly fixed cost, Capital Replacement Cost against per cubic meter was multiplied by 365 divided by number of gallons produced (3,200). He said Paid Cassidy had divided the Capital Replacement cost by 1,900. Furthermore a letter was sent by Bowen Vivendi stating that fixed elements were to be changed. All eleven Group Water Schemes in the element were bundled together and divided by the number of houses in all water schemes and this would have resulted in the cost of Donaghmoynes water to double.

**Inflation** – He said Paid Cassidy took the average three-year inflation using 2004 as the base year and in that period, variable cost went up on average 7% per year, 21% over the three years. On the 1<sup>st</sup> January 2005 inflation was almost eight percent, however Donaghmoynes inflation was 3.65%, on average, over the three years, 11%.

Had Donaghmoynes stayed in the bundle in 2004 they would have been paying €1.70 for every thousand gallons into the reservoir? If Norrit had been in charge of the bundle Donaghmoynes would have paid 69 cents, if the plant had been built at that time. The bundle pay on average €2.06 for every thousand gallons of water per year, however from 1 January, Donaghmoynes will be paying Norrit less than 77cents per thousand gallons. You can't say we didn't deliver value for money.

During the last six years some of the Elected Members have seen things being attempted on Donaghmoynes at vital stages, for example some people tried to interfere in the finances of the organisation. He asked if water is being supplied to the people of Donaghmoynes yesterday, today and tomorrow, therefore can any one tell us we are not entitled to grant aid? Donaghmoynes is supplying almost 10% of the total population of this county.

Mr. David Walker, Doran Consulting said the report circulated to the Members earlier in the year had detailed Doran Consultants response to Mr Cassidy. Tender costs had been examined and if they had looked at the O & M they would see that it was always better value for money than the pilot. In terms of value for money the Members should examine the comparable costs; Norrit is better value for money compared to the bundle scheme.

Cllr McElvaney asked Mr. McDaid to clarify his statement that Monaghan County Council had blocked Donaghmoynes's Group Water Scheme application. He also asked him to expand on his comment that Members of Monaghan County Council were out to destroy the scheme. He asked the County Manager if Donaghmoynes are producing water at 77 cents per litre, what is Monaghan County Council producing water at?

Cllr McElvaney enquired as to who these Members were and if he were one of them, as did Cllrs McNally and Humphreys, to which Mr. McDaid replied that they were not.

Mr. McDaid responded by saying that what he has said was that some Members had been used as a vehicle to do things to Donaghmoynne. He would not be naming the Members. Other people had tried to destroy Donaghmoynne but they were not in this room tonight.

Paul Clifford said the cost to Monaghan County Council of producing water was over €2.04 per 1,000 gallons. However this was the delivery cost to the door and they could not compare like with like.

***Cllr McElvaney proposed at this price the Monaghan County Council purchase their water from Donaghmoynne.***

Mr. John Morris said an article in the "Rural Water News" had stated that Erne Valley in County Cavan who supply a public of 1,600 (households) had a plant put in place with a 4.5 mega litre plant or 4,400 cubic metres per day, however Donaghmoynne supplied 2,000 people per day yet were told they did not qualify for grant aid.

In response Mr. Paid Cassidy said he did not have a vested interest in the bundle schemes. He had no reason to defend the Department of the Environment, Heritage and Local Government. In relation to capacity, the design requirements was 2,200 cubic metres, based on average consumption of 1,900 cubic metres. Veolia build their schemes in modular sizes, depending on the scheme there were different types of plants. It is very hard to compare two plants. The Department would query the capital costs. Donaghmoynne could be right in saying that the scheme could be made bigger and this application could then be made to the Department.

In 1999 the demand was around 1,800 cubic metres per day and by the time the tenders had gone out the demand has gone up to 1,900 cubic metres. The fact was the Department did not have the opportunity to approve the size of the plant now built.

Cllr Bannigan asked Paid Cassidy did he accept the figures that Donaghmoynne produce water at 77 cent compared to the €2.06 if they had stayed in the bundle?

Mr. Paid Cassidy said he could not accept this as the figures given here were not the same as the figures given during the pilot project.

Cllr B McKenna said he felt this exercise would do no one any good. A lot of what was discussed here this evening is over all our heads. He agreed that everyone was told initially that if they stepped outside the bundle there would not be penalised. However the Department regulations had changed and we cannot influence them.

As Chairman of the Local Monitoring Committee he knew that Donaghmoynne had been advised on several occasions that they were not in compliance with the procurement procedure. Both the Local Monitoring Committee and Monaghan County Council could only work within the confines of what the Department had specified. Water consumption in Donaghmoynne had gone up in the last

number of years, however when Donaghmoynes had made their submission, this had been based on their pilot figures of 1,800 customers. He said that the tender that went to Norrit was probably substantially more. Donaghmoynes may have better value for money in water production and if so best of luck to them however the real question was will Donaghmoynes get funded for what they have done and at this moment in time the Department have said they cannot get grant aid because they did not follow the proper procurement process.

Cllr McNally said the previous discussion was very confusing with the various facts and figures being quoted. He said he believed the reason Donaghmoynes Group Water Scheme had not been funded was because they had not followed proper procurement procedures and the issue before the Members today is will they get grant aid in the future? He wanted to ask both consultants did they feel that the procurement procedure was properly performed? He also wished to ask what was going to happen in relation to the boiling of water notices. People had been informed that their water would be filtered by July 2007. However he still had people asking when would the quality of the water improve. He asked could this be put as an item on further agendas?

Cllr Coyle said he was under the understanding that this meeting had been held to enable Donaghmoynes to get funding and he hoped that the Members could assist Donaghmoynes in getting their funding.

Mr. McDaid said that when he said that Monaghan County Council were blocking Donaghmoynes what he had meant was that the Council had made no effort to get around the Department's policy even though Monaghan County Council were lead partners in water? Secondly he had not said that any Member of this Council had tried to block Donaghmoynes's finances. He said he has stated that an elected Member had been used as a vehicle to try and destroy Donaghmoynes Group Water Scheme. He said the Members had previously unanimously agreed to do everything they could to get around this impasse and this had yet to be done. In conclusion and in the words of President Abraham Lincoln "*what is morally wrong cannot be politically right*".

Cllr Keelan said they should put some sort of mechanism in place to assist Donaghmoynes Group Water Scheme.

In response the County Manager Declan Nelson said it was disgraceful for Donaghmoynes to state that Monaghan County Council were opposed to Donaghmoynes Group Water Scheme. He said special exceptions could not be given to Donaghmoynes, it was unacceptable that officials were subjected to abuse from certain quarters for simply carrying out their job. In response to the question – did Donaghmoynes comply with procurement – the answer is no. Unlike Donaghmoynes GWS, Monaghan County Council have a multitude of small schemes and a scattered rural population to service throughout a large geographic area in accordance with the rules and regulations - it doesn't have the luxury of operating one plant and one reservoir. He asked Mr. McDaid to withdraw the accusation that Donaghmoynes were victimised by staff of Monaghan County Council.

Mr. McDaid replied that like Julius Caesar – “what I have said I have said”. He said that he did not specifically state the term victimisation, and he would not be withdrawing what he had said. He said that Donaghmoynne will supply water at one-third of the price of the Bundle. Water would start to flow through the pipes in the coming days and there would be a 28 day test period and after that the O&M would kick into place. He said the County Council have an obligation to assist Donaghmoynne and if they don’t make the effort in the future to assist them he will use the word victimisation.

Mr. David Fallon, Director said Monaghan County Council staff are public officials – they don’t make the policy or the guidelines, but they must implement them. He also stated that the Environmental Protection Agency have issued new guidelines for non-compliance with drinking water quality directives.

Cllr Bannigan asked if the Members pass a resolution would the Executive/Officials support it.

The County Manager Declan Nelson said he would have no objections to this.

Paid Cassidy said that he had no vested interest in the matter. He agreed that Donaghmoynne’s operational costs are cheaper however that was not the problem. The problem was the Department of the Environment, Heritage and Local Government had a problem with the capacity of the plant and the procurement process. Donaghmoynne did not go through the normal channels, and if the County Council do not follow Department circulars and processes they will not get funding.

Mr. J. Morris said it was originally acceptable by the Department that if a GWS opted out of a bundle they would not be penalised, however this occurred. He asked was it acceptable for the Department to change its policy and people suffer as a result

The County Manager Declan Nelson said that while it was originally accepted that schemes wouldn’t be disadvantaged as a result of opting out of the bundle, this was subject to compliance with the guidelines. The procurement rules didn’t change – other aspects did, but procurement didn’t. GWS’s had been notified that the rules had changed.

Mr. McDaid said they had accepted the Department’s undertaking in good faith. He said that it was also irreprehensible that a representative of Monaghan County Council had attended a meeting in Dublin with Department officials, when Donaghmoynne GWS went to make a case for funding.

Mr. P. Clifford said he was at that meeting in October 2005, and at that meeting Donaghmoynne had accepted that the procurement process had not been adhered to. He read an extract from a letter dated 15 October 2005 from the DoEHLG, which stated this. He asked what would the other group water schemes think if Donaghmoynne went against the rules while they had all complied, yet were given the same entitlements? Comparing different plants with higher capital

costs and lower operational costs served no purpose. The only reason they were here today was that Donaghmoyne GWS had refused to adhere to the rules laid down by the Department.

Mr. David Walker, Doran Consulting stated that the tender documents were in strict accordance with the Department of Environment Guidelines.

Mr. Clifford responded by enquiring whether they acknowledged that Donaghmoyne GWS were notified by the Council that they had not followed proper procurement procedures?

The Mayor thanked Doran Consultants, TJ O'Connor Consultants and the Donaghmoyne Group Water Scheme officials for attending and all groups withdrew.

***On the proposal of Cllr Maxwell, seconded by Cllr Keelan it was proposed that this item should be discussed at the Corporate Policy Group and Oireachtas Members meeting next Friday 16<sup>th</sup> November 2007 - this would allow the Members to make a case to the Department.***

***On the proposal of Cllr Bannigan seconded by Cllr Keelan it was agreed that the Members revisit a motion that was agreed at a previous meeting of this Council in February 2006, which stated that the Council should write to the Department of the Environment, Heritage and Local Government and the Minister requesting that a way be found to ensure that the Donaghmoyne Group Water Scheme gets grant aid.***

Cllr Bannigan asked does this Council believe in value for money or not? Donaghmoyne could produce water for 77 cents while the Council were producing water at €2.06. He had attended the meeting where the Department had said no GWS would be penalised if they withdrew from the Bundle. There is a case to be made by the Department and legislators to grant aid Donaghmoyne. The Members role is to influence Government officials.

Cllr McNally asked that the Northern Standard inform people on the Donaghmoyne Group Water Scheme that they are now going to get clean water in their pipes by Christmas 2007. These people are under the impression that Monaghan County Council are responsible for this scheme and the associated boiling notices. He said hindsight was a great thing - however they were dealing with a procurement process and in fairness eleven other GWS were asked to adhere to the rules. He was also appealing to Donal McDaid not to be making statements regarding victimisation. If the Members could assist Donaghmoyne to get around this impasse they would.

The Mayor, Cllr Carville, said the Members wanted fair play. This procedure highlighted the excessive role the Government has in local government and people from Donaghmoyne have been affected. He asked that every possible angle be utilised to try and find a solution

*On the proposal of Cllr Carville, seconded by Cllr Maxwell it was agreed that the Council direct the County Manager to write to the Department of Environment and Local Government making a case for grant aid for the Donaghmoyne GWS having regard to the special circumstances involved.*

*Cllr McElvaney proposed that in addition to the County Manager issuing this letter that this request is followed up with a request for a delegation from Monaghan County Council to meet with the people who deal with the GWS in the Department to meet with a delegation from Monaghan County Council, this was agreed.*

The Mayor thanked Mr. Paid Cassidy, Consultant and the Mr. McDaid and the Members of the Donaghmoyne G.W.S. for their contributions.

## **26. Presentation of Certificates to Pride of Place Entrants**

### **Pride of Place Presentation**

In presenting the Pride of Place certificates, Mayor Gary Carville said that one of the most pleasant aspects of the job of Mayor was the opportunity it affords him to acknowledge the work and achievements of the people of County Monaghan, in particular the voluntary efforts of our unsung heroes who quietly go about making this county a better place for all, and this was one such occasion. The Pride of Place competition was initiated by Co-Operation Ireland five years ago. An all island competition, it is run through the local authorities, who each year nominate local communities to compete on their behalf.

This year, Monaghan County Council, in consultation with Monaghan Community Forum, nominated four exemplary groups to represent Co. Monaghan and they will represent us at the National Awards ceremony on Saturday night 10<sup>th</sup> November in Westport where the national winners will be announced.

#### **The four communities are:**

- Lisdoonan represented by Mr John McEneaney
- Drum represented by Ms Barbara Stewart
- Dartrey Heritage Association represented by Mr Noel Kearney
- Castleblayney Community & Arts Centre represented by Sr Celine McArdle

The Mayor presented each group with a certificate of achievement to mark their participation in this year's competition, and wished them all the best in the Finals to be held in Westport on Saturday night.

The meeting then concluded.

Signed:

\_\_\_\_\_

Meara

\_\_\_\_\_

Meeting Administrator

Date

\_\_\_\_\_

\_\_\_\_\_