

Minutes of Meeting of Monaghan County Council held in the Mtek Building, Armagh Road, Monaghan on Monday 18th October, 2010 at 9.30 a.m.

Chair: Cllr J. Crowe, Mayor.

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

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

Apology: Cllr Carville.

At the outset Cllr Bannigan informed the Members that Cllr Noel Duffy, a member of Ballybay Town Council, had passed away that morning. He proposed a vote of sympathy with the late Cllr Duffy's wife and family. This was seconded by Cllr McElvaney and agreed.

On the proposal of Cllr O'Hanlon, seconded by Cllr Murray, it was agreed that the sympathy of the Council be extended to Cllr Pdraig McNally on the death of his cousin Karen Ruddock. This was agreed.

A number of members spoke to both motions. The County Manager expressed sympathy on behalf of the staff of the Council as did Mr. J. Murray, Ballybay Town Manager.

Cllr McElvaney proposed, Cllr Crowe seconded that the meeting adjourn for five minutes as a mark of respect to the late Cllr Noel Duffy. This was agreed.

Following a minute's silence, the meeting adjourned for five minutes.

On resumption, Cllr Crowe advised that he was proceeding to complete the agenda for the October meeting.

5. To receive report on Council landfill at Scotch Corner:

Cllr McElvaney declared that he had an interest in this item and withdrew from the meeting room.

Mr. D. Fallon, Director of Services advised the Council Members that it has become increasingly difficult to achieve the target budget income for the Scotch Corner Landfill site. There are many factors outside the control of Monaghan County Council such as the national and international waste markets, the advent of supersized landfill sites, waste-to-energy plants, ownership of the waste stream,

government policy on landfill levies, market competition, uncertainty in the market place and geographical location.

The EPA licence allows a maximum annual limit of 39,500 tonnes which is small in the national context. This limit along with decreasing gate fees severely caps the annual income. Running costs have been reduced in recent years but a lot of costs are more or less fixed. Costs such as loan repayments, leachate treatment, rates, and EPA monitoring and site maintenance are independent of the amount land filled annually. Plant hire costs and payroll costs are variable and have decreased in recent years.

Capacity

The current capacity of the landfill cell is 265,000m³ (200,000 tonnes) equivalent to 4/5 years land filling at 39,500 tonnes a year. The remaining licensed capacity is 300,000m³ (270,000 tonnes) or just under seven years land filling. These capacities are based on the assumption that the maximum allowable tonnage is land filled annually. Based on the current market these targets may not be achieved.

Options

Monaghan County Council engaged RPS Consulting Engineers together with Matheson Ormsby Prentice Solicitors who specialise in procurement, planning and environmental law to advise on the strategy to be adopted by Monaghan County Council.

Based on the advice received, it is proposed to explore future commercial options for Scotch Corner Landfill. There are a number of options as follows: -

- (i) An outright sale or land lease of the facility
- (ii) A partnership arrangement including Design Build, Operate and Finance (DBOF) or a concession agreement which would allow a private firm to enter into the Council lands for the purpose of managing the landfill and developing further waste management services/facilities while making a regular payment to the Council.
- (iii) Either of the above options and including the Material Recovery Facility.
- (iv) Any other proposal complying with proper procurement procedures.

Procedure

- (a) The Council is advised to commence a ***market sounding exercise*** by dialogue to identify potential commercial options for the future use of the facility prior to commencing a procurement procedure.
- (b) The first step in the procurement procedure is to publish a voluntary ***prior information notice (PIN)*** in the Official Journal of the European Union and on ***e tenders*** notifying the market of the intention to conduct the market sounding exercise to identify potential commercial options for further use of the facility.

- (c) The consultants will prepare a **Report on Market Sounding**’ within three months of the **PIN**.
- (d) A decision will need to be made shortly after receiving the consultants report.

Following Mr. Fallon’s report a number of Members expressed concern at the options being proposed in his report. Others concurred with the options being recommended by Mr. Fallon who replied to the comments raised.

The County Manager stated that the economic climate had changed dramatically over the last three years. Monaghan has become extremely successful in recycling – targets are being exceeded - and, as a result, there has been a significant reduction in waste being deposited in the landfill. He confirmed that it is necessary to engage outside expertise to advise the Council of its options regarding the landfill in the future.

In response to queries from Members regarding fees charged at the two recycling centres in the county, Mr. Fallon stated that he would enquire and circulate details of these fees to the Members.

Cllr McElvaney re-entered the meeting room.

6. To receive recommendations from Corporate Policy Group meeting:

The Members considered the recommendations from the CPG meeting held on 20th September 2010, as follows:

(a) To approve allocations under the Graveyard Maintenance Grant Scheme 2010

On the proposal of Cllr B. McKenna, seconded by Cllr S. McKenna it was agreed that the allocations under the Graveyard Maintenance Grant Scheme 2010, be approved.

Name of Graveyard	Proposed Grant 2010 €
Donaghmoyne	1,100
Inniskeen	800
Donagh	1,200
Tydavnet	1,000
Killeevan	1,100
Lisnamoyle	1,100
Edraguil	1,300
Drumsnatt	1,300
Errigal	1,000
Total	9,900

(b) To consider recommendations from Planning & Development SPC

1) List of unfinished housing developments in County Council functional area

Cllr D. Maxwell, Chair of the Planning & Development SPC, referred to the list of unfinished housing developments in the County Council functional area and the draft minutes of the SPC meeting, which had been circulated with the agenda. This list had already been considered by the SPC. The Members noted the list circulated.

On the proposal of Cllr Conlon, seconded by Cllr S. McKenna it was agreed that the Council write to the Minister for the Environment, Heritage and Local Government seeking a directive to the Planning Authority so that an effective strategic approach can be implemented that will resolve the issue of unfinished estates, especially from a health and safety perspective.

2) Increase in the insurance bond:

Cllr D. Maxwell, Chair of the Planning & Development SPC referred to the proposal to increase the amount of the insurance bond for the satisfactory completion of housing developments from €2,000 to €3,500 per unit. This matter had been discussed at the Planning SPC meeting and both the SPC and the CPG had recommended the increase to €3,500.

On the proposal of Cllr Bannigan, seconded by Cllr Murray it was agreed that the insurance bond for the satisfactory completion of housing developments be increased to €3,500.

Cllr McElvaney stated that he wished to be recorded as voting against the proposal

3) Revised Taking in Charge Procedures for private housing developments:

Mr. Toirleach Gourley, Senior Executive Planner referred to the revised Taking in Charge Procedures for Private Housing Developments which had been circulated with the agenda for the meeting. He outlined the following main provision in the document, as follows:

- It updates the 2001 document in respect of DoEHLG Guidelines issued in February 2008 and also the Planning and Development (Amendment) Act 2010
- Provides clarity as to what is expected from the developer/owners in order to have their development taken in charge
- Clearly sets out timescales for taking in charge
- Provides clarity in relation to older estates
- Revised to reflect 2010 Act which replaces majority of electors with majority of owners
- Stresses requirements in respect of security bonds and details the terms of release
- Sets out quality control systems during construction and indemnities required of developer
- Now provides for two free inspections instead of only one provided for under

2001 document

- Includes public playground, unallocated car parking, fire services, bring banks and service connections in taking in charge specifications
- Details potential for phasing of taking in charge
- Deals with management companies

On the proposal of Cllr Bannigan, seconded by Cllr P. Treanor, it was agreed that the Taking in Charge Procedures for Private Housing Developments be adopted.

6. (c) To consider applications for funding from the Community Development Fund 2010.

On the proposal of Cllr B. McKenna, seconded by Cllr Humphreys, it was agreed that in accordance with the recommendation from the CPG, the application from Monaghan Tidy Towns be referred to the Environmental Fund Grants Scheme for consideration.

On the proposal of Cllr B. McKenna, seconded by Cllr Humphreys, it was agreed that in accordance with the recommendation from the CPG a grant of €1,800 be allocated to Errigal Truagh Special Needs.

(d) To approve minutes of CPG meeting held on 20th September, 2010

On the proposal of Cllr Maxwell, seconded by Cllr B. McKenna, it was agreed that the minutes of the Corporate Policy Group Meeting held on 20th September, 2010, be adopted.

7. To fix date for Joint Civic Reception:

It was agreed that a Joint Civic Reception in honour of the Irish Countrywomen's Association and Muintir na Tire Community Alert Programme would take place on the 16th November, 2010 at 7.00 p.m.

Date for Presentations to the Council:

It was also agreed that the Council would receive presentations from the following groups at a special meeting to be convened on 16th November, 2010 at 4.00 p.m.

1. Football Association of Ireland
2. Monaghan Sports Partnership
3. Don't Bypass the Bypass Group

10. Business submitted by County Manager:

Cllr B. McKenna referred to the Local Government Act 2001 and asked the County

Manager to clarify the position in relation to the filling of the post of County Manager when the current contract expires, with particular reference to the following:

- The legal requirement that each County Council has a County Manager
- The responsibility for making arrangements to fill the vacant post
- Is there a panel at national level from which eligible candidates may be recruited?
- Can the current contract be extended?
- Is there legislation in place to provide for the filling of the position of County Manager Cavan and Monaghan County Councils simultaneously?
- If the post is not filled will this require a change to existing legislation?
- The Act refers to ‘some period of 6 months’ in relation to the filling of a vacant position of County Manager – what does this mean?
- What savings will accrue to this Council arising from a joint management appointment?
- Has the Manager been in contact with the Department of the Environment, Heritage and Local Government regarding this matter.
- What is the Departments position on filling the post.

The County Manager replied as follows:

- The position of County Manager is governed by the Local Government Act 2001.
- The legislation provides that each county shall have a Manager to be known as the Monaghan County Manager, or appropriate.
- The Act provides that a request by a local authority to appoint a manager shall be deemed to have been submitted 6 months in advance of the date on which the existing Manager ceases to hold employment.
- The Manager holds the employment for such period as the Minister specifies by order, which, in his case, was an extended period of 10 years and on the expiration of that period, he ceases to hold the employment.
- Where the post of County Manager is vacant the Minister can appoint a Manager temporarily until a permanent appointment is made.
- The post of County Manager is filled by public, open, competition by the Public Appointments Service. No panel from which candidates can be drawn exists.
- It appears that a change in legislation would be required as there is no provision in the legislation for a Manager to be employed by more than one authority.
- There is no provision, in the Act, to extend the contract of the existing Manager
- There would be contractual difficulties with changing the existing contracts of serving County Managers.
- It would be difficult for a County Manager to serve two separate independent Councils at the same time, particularly in regard to the interpretation of County Development Plans, Economic Strategies, etc.
- It would be doubtful if financial savings would accrue.
- The Manager has had informal contact with an official in the Department on the matter.
- No decision has been made by the Department on when the post of Manager would be filled.

During a debate which followed, to which a number of Members contributed, the following proposals were made.

On the proposal of Cllr B. McKenna, seconded by Cllr Carthy it was agreed that the Council write to the Department of the Environment, Heritage and Local Government and the Public Appointments Service in relation to the appointment of County Manager and to express its dissatisfaction at proposals to join Monaghan with Cavan again.

On the proposal of Cllr Carthy, seconded by Cllr McElvaney it was agreed that the Council ask its legal advisor for interpretation of the Local Government Act 2001 in relation to the appointment of a permanent County Manager for County Monaghan.

On the proposal of Cllr McElvaney, seconded by Cllr Crowe it was agreed that the Council lobby the legislators to ensure that legislation is not introduced to provide for the amalgamation of Cavan and Monaghan County Councils.

On the proposal of Cllr Bannigan, seconded by Cllr Crowe it was agreed that the matter be raised with Minister Brendan Smith, T.D., who is to meet with a Council deputation on 26th October, 2010.

Lough Muckno:

The County Manager updated the Council on the outcome of the High Court Appeal in the case of Chris Harren –v- Monaghan County Council. He circulated a letter dated 15th October, 2010 from the Council's Solicitor, Mr. Enda O'Carroll, in relation to the hearing before Mr. Justice Eamon de Valera at the High Court in Cavan on 11th October 2010. The ruling of the Judge was that Mr. Harren is entitled to a new tenancy and that he would give him one for the building and ground which he maintained – namely what was in his claim. The matter should go back to the Circuit Court to fix the terms if agreement is not reached. The Judge stated that all rights of way were to be retained and not interfered with.

The Manager stated that the sub-Committee of the Council, dealing with Muckno, were meeting the Castleblayney Golf Club the next day and he suggested that Mr. Harren meet with the Committee to discuss his plans for the property.

In response to a query from Cllr McElvaney in relation to the new roundabout in Old Cross Square, Monaghan Town, the County Manager stated that this was a Town Council project which has been specifically designed to address a number of access/traffic issues in that area of the town, specifically to reduce the speed of vehicles approaching the junction, particularly heavy goods vehicles and to make safe the access road to Monaghan Harps and Monaghan Bottlers.

On the proposal of Cllr B. McKenna, seconded by Cllr McElvaney, it was agreed that this would be placed as an item on the agenda for the November Council meeting.

11. Matters arising out of minutes of Council meeting held on 6th September, 2010:

Matters arising out of the minutes of the Council meeting held on 6th September, 2010 were responded to by the appropriate officials.

13. Presentation on County Monaghan Economic Development Strategy:

Mr. Padraig Warren briefly re-capped on the presentation which he made to the Council at the meeting on 4th October, 2010. He then invited questions/comments from the Members.

Members welcomed the Strategy document and were generous in praise for all involved in its preparation. The following points were put forward by the Members

- The Strategy should be reviewed at regular intervals to ensure it was achieving its objectives.
- Banks/lending institutions need to ensure that finance is available to businesses
- IDA/Enterprise Ireland should be brought on board.
- Government Departments need to be challenged to ensure that money/new industry is coming to Co. Monaghan.
- There needs to be balanced development throughout the whole county.
- The schools in the county should be involved in the process.

Mr. Warren advised that the Business Leaders Forum had been meeting and they will put in place a mechanism to monitor and support the implementation of the actions contained in the Strategy.

On the proposal of Cllr Conlon, seconded by Cllr Connolly it was agreed that the Council write to the IDA asking it to update its website, particularly in relation to County Monaghan and what it has to offer.

14. Presentation from Co. Monaghan GAA Coaching Committee:

The Mayor welcomed Paul Curran, Chairman of County Monaghan GAA, Mr. Eamon O'Hara, Coaching Officer, Paul O'Connor Games Development Officer and Diarmuid Marsden, Regional Games Development Officer to the meeting. He invited them to make a presentation to the Council.

Mr. Paul Curran addressed the Members. He thanked the Council for its financial support over the last three years. Mr. Paul O'Connor and Mr. Eamon O'Hara outlined the work undertaken in the county. Their remit over the last three years had been to build on the existing work in the schools; to assist volunteers in the clubs and to integrate others into the GAA. They also outlined a number of initiatives proposed to be undertaken in the future. They requested that the Council give serious consideration to continuing the current level of funding to the GAA. However, if this could not be sustained they would welcome whatever assistance the Council could give so that the programme of coaching and development may be continued.

Following the presentation the group responded to queries from the Council Members. A number of Members commended the GAA on their activities throughout the county. The Mayor thanked the GAA for their presentation and wished them success in the future.

The group then withdrew from the meeting.

17. Votes of Sympathy/Congratulations:

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

- the wife and family of the late Arthur Kennedy, Tullyree, Glaslough, RIP a former member of the Council's outdoor staff
- Mr. Paddy McKenna, Drumfurrer, Carrickroe on the death of his brother in England
- Eugene Murray, 154, Mullaghmatt, Monaghan on the death of his wife Mary, RIP.
- Philomena Carroll, Council Revenue Collector on the death of her uncle Owen Mooney, RIP

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

- The Chilean Embassy on the excellent work undertaken in rescuing the 33 trapped miners in the San Jose mine in Chile.
- Donaghmoyne Ladies GFC on winning the U-16 League (15 a side)
- Emyvale Ladies GFC on winning the U-16 League (11 a side) and the Division 1 League Final.
- Clontibret GFC on winning the Minor Football Championship and the Senior Football Championship.
- Inniskeen GFC on winning the All-Ireland Hurling Shield (7 a side) and the Senior Hurling League
- Truagh GFC on winning the County Minor League and the U-21 Kerley Cup
- Killanny GFC on winning the Division 2 Minor Championship
- Michael Todd, Truagh GFC on winning the 60x30 All Ireland Handball Title.
- Doohamlet GFC on winning the Monaghan Intermediate Football Championship 2010.
- Corduff GAA Club on winning the Monaghan Junior Football Championship
- Universal Graphics Emyvale on receiving the ISO 9000 Certificate for Best Company Standards.
- Aoibheann McGinnity, Clones Road, Monaghan on her prominent co-starring role in the RTE drama Love/Hate. It was stated that Aoibheann learned her craft and acting skills on the stage of the Garage Theatre.

The meeting then concluded.

Signed: _____

Meara

Meetings Administrator

Date: _____
