

COMHAIRLE BAILE MHUINEACHÁIN
MONAGHAN TOWN COUNCIL

Minutes of Monthly Meeting of Monaghan Town Council held on Monday 21st
November 2011 at 5.00p.m. in the Council Chamber of Monaghan Town Council,
Town Hall, No. 1 Dublin Street, Monaghan.

Cathaoirleach: Cllr. David Maxwell

Present: Cllrs. Mary Carroll, Seán Conlon, Robbie Gallagher, Thomas Hagan, Paul McGeown, Donal Sherry, Seamus Treanor and Pádraigín Uí Mhurchadha.

In Attendance: David Fallon, Acting County Manager, Gareth Mc Mahon, Town Engineer, Marie Deighan, Town Clerk and Donna Toal, Clerical Officer.

Civic Reception for Monaghan United Football Club

A Civic Reception was held for Monaghan United Football Club on the occasion of their Promotion to the Airtricity Premier League.

The invited guests left the Council Chamber following the Civic Reception.

The Cathaoirleach welcomed Paul Lavery and Peadar McAdam as observers to the meeting. Somhairle MacConghail, Arts Officer with Monaghan County Council was also welcomed by the Cathaoirleach.

1. Confirmation of October Monthly Meeting held on 17/10/2011

On the proposal of Cllr. Robbie Gallagher seconded by Cllr Mary Carroll it was agreed to adopt the Minutes of the October Monthly Meeting of Monaghan Town Council held on Monday 17th October 2011.

2. Matters Arising from the Minutes

It was noted that no reply has been received from the Information Communications Section of RTE regarding an explanation for the lack of coverage given by them to the National Famine Commemoration held in Clones. On the proposal of Cllr Pádraigín Uí Mhurchadha seconded by Cllr Robbie Gallagher it was agreed to write to RTE again on the matter.

The Members expressed disappointment and anger at recent circumstances that led to false allegations been made by RTE against Fr. Kevin Reynolds. It was also agreed to write a letter to RTE in this regard.

It was agreed to refer the correspondence received at the October Monthly Meeting to the Planning Sub-Committee of the Town Council which related to a request to locate a disabled parking bay at New Terrace, Monaghan.

The Cathaoirleach, Cllr. David Maxwell praised the organizers of the recent European Youth Parliament Conference which was held in the town. Cllr. Maxwell referred to the successful launch of the event by Monaghan Town Council in the Market House and stated that he performed the official opening of the Conference.

It was noted that the Part V111 Planning Application has been relodged with the Planning Authority for the construction of a new roadway, as part of the phase 2 works for the N54-R188 Monaghan Town Link Road, linking the Cortolvin Road with the Cootehill Road.

The Cathaoirleach, Cllr. David Maxwell expressed thanks to the Chamber of Commerce, Town Council Staff, Rotary Club, Choirs, etc on the occasion of the switching on of the Christmas Lights in the town at the weekend. Cllr. Maxwell also congratulated the public on the reception that was afforded to local musician Ryan Sheridan during his performance on the evening. Monaghan Gospel Choir, the Gardaí and Civil Defence were also thanked for their contribution to the evening. The Members concurred with the sentiments expressed. Cllr. Donal Sherry expressed disappointment that the Town Council Cathaoirleach, Cllr. David Maxwell didn't get to share the honour with Ryan Sheridan on the switching on of the lights. It was agreed that a letter be issued to Ryan Sheridan and his parents, Killygoan conveying the Town Councils appreciation for his presence at the event.

19. Consideration of location of "Hive of Knowledge" Sculpture.

Somhairle MacConghail, Arts Officer, Monaghan County Council presented a submission to the Members requesting their permission to have the Piece of Sculpture known as the "Hive of Knowledge" placed permanently to the left hand side of the Courthouse at Church Square. Somhairle MacConghail stated that he has contacted the family relatives of the victims of the 1974 Monaghan bombing and that they have no objection to the sculpture being placed on the same area as the Bombing Memorial. The Members had no objection to the request and noted that the piece of sculpture will be put in place in late spring.

Somhairle MacConghail left the Council Chamber.

14. Casual Trading

- (i) "That this Council considers the designation of lands as indicated on the revised annexed drawing No. CTB-003 dated 1st September 2011 as a Casual Trading Area having regard to:-
 - (a) the Proper Planning and Development of the functional area of the Council (including the preservation and improvement of the amenities thereof) and the planning report relating to same
 - (b) the Development Plan for the functional area of Monaghan Town Council and any special amenity order relating to its functional area
 - © the traffic likely to be generated by the Casual Trading in the Casual Trading area including all reports relating to same
 - (d) All other matters that the Council may consider relevant to its decision.

The Members noted reports from the Gardaí, Town Engineer - Monaghan Town Council, Planning Section - Monaghan County Council and submissions from the public in relation to the proposed designation of one of the following two sites situated in the town land of Mullaghmonaghan as a casual trading area:-

Site No. 1 – Existing loading bay on North Road, Monaghan town.

Site No. 2 – Adjacent to Dawson Monument on North Road, Monaghan town

Noting the larger number of submissions received in opposition to the designation of the sites it was agreed not to proceed with a casual trading area at these locations. On the proposal of Cllr Seán Conlon seconded by Cllr Donal Sherry it was agreed to consider a location by the Bank of Ireland opposite the Courthouse (Church Square North – opposite Courthouse). It was noted that public statutory notice must be given and that the matter will come before the Members in the new year.

Peadar Mc Adam and Paul Lavery left the Council Chamber.

3. Manager's Orders

The Members noted Manager's Orders numbered 163/11 – 189/11.

4. Correspondence

The Members noted the following correspondence:-

- Letter dated 19th October 2011 from Leo Kinsella, Area Manager HSE Cavan and Monaghan regarding the Minor Injury Unit at Monaghan Hospital. The Members expressed disappointment with the contents of the letter and it was agreed to deal with Notice of Motion 20(b) on the Agenda:-
“That this Council call on the Government to instruct the H.S.E. to restore the services at the Minor Injury Unit to a 7 day facility and to fast track their plans regarding a Medical Assessment Unit at Monaghan Hospital, as promised”
Cllr Seamus Treanor
On the proposal of Cllr Seamus Treanor seconded by Cllr Robbie Gallagher it was unanimously agreed to adopt the above Notice of Motion. Cllr. Treanor proposed and it was agreed that a letter be sent to the HSE seeking clarification on what the future holds for the Minor Injury Unit at Monaghan Hospital.
- Acknowledgement dated 27th October 2011 from the Minister for Housing and Planning in relation to the Mullaghmat Remedial Works Scheme. It was noted that Minister Willie Penrose has now resigned from the housing portfolio in protest at the decision to close the Army Barracks in Mullingar, Co. Westmeath. Cllr. Robbie Gallagher paid tribute to the former Minister who showed strength of character in his decision to resign. On the proposal of Cllr Seán Conlon seconded by Cllr David Maxwell it was agreed that the Council renew its correspondence regarding a promised visit by the Minister to the Mullaghmat Scheme when a replacement for Mr. Penrose has been put in place.
- Letter dated 9th November 2011 from The Competition Authority regarding the bulk LPG market.

- Letter dated 11th November 2011 from Town of Monaghan Co-Op in reply to correspondence regarding the lack of playing facilities at Coolshannagh Walk, Monaghan.
- Letter dated 13th October 2011 from Department of Sports and Tourism granting €1,010 towards outdoor gym equipment in Monaghan Town. The Members agreed to locate the gym equipment at Peters Lake as per drawing no. 01 dated 19/10/2011.
- Letter dated 2nd November 2011 from Monaghan County Council regarding a Notice of Variation No.19 to the Monaghan County Development Plan 2007-2013 (incorporating the Development Plan for the towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay).
- Report dated 21st November 2011 on the on-street long term parking permit system.
- Email dated 14th November 2011 regarding a Business Christmas Towns Competition with RTE.
- Invitations dated 14th & 16th November 2011 from the Irish Deaf Society who are presenting the “Signs of Life” Photography Exhibition in Monaghan County Museum on Friday 2nd December at 6pm. On the proposal of Cllr. David Maxwell seconded by Cllr. Pádraigín Uí Mhurchadha it was agreed to contribute €100 as sponsorship to the Irish Deaf Society.
- The AMAI Estimates 2012 as per Local Government Act 1994 Sect.64(5)(d).
- Letter dated 18th November 2011 from Adge King, Director of Services, Monaghan County Council regarding the Traveller Accommodation Programme 2009-2013.
- Letter dated 21st November 2011 from Caoimhghín Ó Caolaín, TD congratulating the Members and Monaghan Chamber of Commerce on the success of this years switching on of the Christmas lights in the town.

5. Planning Applications

The Members noted Planning Applications numbered MT 11/17 – 11/20.

6. Business Submitted by An Cathaoirleach

The Cathaoirleach, Cllr. David Maxwell stated that a meeting to organize St. Patrick’s Day Parade in 2012 will be held on 7th December 2011.

On the proposal of the Cathaoirleach Cllr. David Maxwell seconded by Cllr. Mary Carroll it was agreed to send a letter of congratulations to the congregation of Monaghan Methodist Church on the celebration of their 150th Anniversary.

The Cathaoirleach also congratulated the Squealing Pig premises on celebrating twenty years in operation and the proprietors of An Poc Fada licensed premises which had recently re-opened after a major refurbishment.

7. Consideration of Reports of Committees

The Members noted the Minutes of a Planning Sub-Committee meeting of Monaghan Town Council held on Monday 14th November 2011. In relation to the meeting held with representatives from the Monaghan Allotment Society and Canal View Residents it was agreed that this matter be referred to the Planning Sub-Committee for further discussion.

The Members agreed to grant permission for the use of Belgium Park Football Field for the winter season to Monaghan Town Football Club and FC Sporting Youths. The Members noted correspondence from the Principal of Coláiste Oiriall, Monaghan seeking the use of the soccer pitch facility about 6-8 times per school year for a few hours on each occasion during the school day to play home matches. The Members supported this application. The Members agreed to the draft conditions presented to them in relation to the use of the football field.

On the proposal of Cllr. David Maxwell seconded by Cllr Mary Carroll it was agreed to nominate the cleaning of the canal to the rear of the Rehab Centre for the 2nd series of RTE's Dirty Old Towns. It was also agreed that €4,000 be provided in budget 2012 to undertake the necessary works in the area.

Cllr. Mary Carroll left the Council Chamber.

8. Roads/Housing

A number of matters were noted for the attention of the Town Engineer:-

- Ard Glas – door to be repaired
- Dr Mc Kenna Tce backroad – potholes
- Public lighting out of order in Courthouse Car park
- Stop sign required at Teach Na nDaoine Family Resource Centre
- Dip in Roadway at Glen Road (Area Engineers responsibility)
- Hatch box required in the Diamond area.
- Loose bricks on footpaths – North Road
- ESB Pole dangerous state – Slip Road at Beech Hill – ESB/Airtricity dealing with this complaint.
- Illegal dumping – Mullaghmatt (formerly Kanes Supermarket)
- Leaves lying on footpaths throughout town – dangerous to pedestrians
- Road repairs required – Beech Hill College Road

9. Telecommunication Mast at Killygoan

The Members looked forward to the removal of the telecommunication mast at Killygoan.

10. Mullaghmatt Remedial Works Scheme

It was noted that this item has been dealt with under the Correspondence heading.

11. Gateways and Hubs ERDF Grant Scheme – Works at the Diamond/Dublin Street/Old Cross Square and Provision of Recreational Facilities.

The Town Engineer reported that all road works under the BMW scheme had now been completed with the exception of the work at Old Cross Square. The Town Engineer assured the Members that works at Old Cross Square will be managed in such a way as to avoid unnecessary disruptions to businesses and traffic flow.

The Members noted that there is a problem with a sewer that has collapsed in the area of the Diamond and will require essential emergency repair work.

The Members appealed for no major road works to take place in the town during the month of December.

12. Progress on Windows/Doors – Killygoan Area

It was noted that tenders have been received for the replacement of 38 front doors in Ard Glas, Killygoan.

13. Report on Mixed Use Development at Rooskey

David Fallon, Acting County Manager stated that the Council's legal advisors are examining documentation that has been sent to them by Clarke Developments. It was noted that no planning application has yet been lodged by the Developers for the restoration of the car parking area at Rooskey.

15. Up-date on Consideration of Declaration of Public Road under Section 11 of the Roads Act 1993

The Town Engineer informed the Members that he is still awaiting on legal documentation from the owners of the Alleyway situated off Dublin Street to the Diamond Centre Car Park.

16. Consideration of approval to dispose of the Freehold Interest in accordance with Notice under Section 183 of the Local Government Act 2001.

On the proposal of Cllr. Donal Sherry seconded by Cllr. David Maxwell it was agreed to approve of the disposal of the freehold interest in No. 1 Plantation Tce Monaghan under Section 183 of the Local Government Act 2001 and as per notice dated 3rd November 2011.

17. Consideration of location of Pedestrian Crossing on North Road, Monaghan town.

On the proposal of Cllr. Seamus Treanor seconded by Cllr. Thomas Hagan it was agreed to approve the location of a new pedestrian crossing on the North Road in accordance with drawing number PC11-02 dated October 2011.

18. Setting of Date for Annual Budget Meeting

The Members noted Circular Fin 06/2011 dated 24th October 2011. It was agreed to hold the Annual Budget meeting on Monday 19th December 2011 at 4.30pm.

20. Notices of Motion:-

(a) “That this Council write to the Minister for Finance, Michael Noonan asking him to think again about the proposed increase in VAT from 21% to 23% and also their plans to increase the duty on central heating fuels, petrol and diesel”.

Cllr. Seamus Treanor

On the proposal of Cllr. Seamus Treanor seconded by Cllr. Robbie Gallagher it was agreed to adopt the above Notice of Motion. It was also agreed to send the Motion to the local Oireachtas Members and to all Local Authorities for their support.

© “That this Council deplores the reduction and deferral of funding until 2015 for the A5/N2 Donegal to Dublin Road with the resultant loss of employment and benefit to the local economy”.

Cllrs. Uí Mhurchadha, Conlon, Sherry, McGeown

Cllr. Pádraigín Uí Mhurchadha proposed the Motion and Cllr. Seán Conlon seconded the Motion. A discussion took place and Cllr. David Maxwell stated that he would not be supporting the Motion as the Government are looking for savings in all areas in this current economic climate. A vote took place which resulted as follows:-

In favour of the Motion:- Cllrs Conlon, Gallagher, Hagan, McGeown, Sherry Uí Mhurchadha (6)

Against the Motion:- Cllr. David Maxwell (1)

Cllr Seamus Treanor abstained from voting

The Cathaoirleach declared the Motion carried.

21. Ceisteanna/Questions

Cllrs. Uí Mhurchadha, Conlon, Sherry and McGeown asked:-

(a) In the event of a re-occurrence of the severe weather conditions of the last two winters, could we be re-assured of the agreed measures to deal with such a crisis again?

Salt stocks within the County are at maximum capacity in anticipation of the winter and for as long as the salt levels can be maintained Monaghan Town Council staff will be able to provide a comprehensive road gritting service during cold weather.

Priority will be given to roads and town centre footpaths.

In response to the problems experienced at a number of Local Authority houses during the last severe freeze, Monaghan Town Council has carried out extensive works to 86 of our houses in an effort to avoid freezing pipes in the future. This work has included the insulating of pipes and tanks within the attics; the provision of frost stats within the attic space, and where necessary the relaying of the mains water feed pipe into the houses to a suitable depth.

Cllr. Donal Sherry called for a guide to be distributed to Local Authority tenants setting out information and advice which may be useful to them in adverse weather conditions.

The Members called for the water to be turned off in all vacant Council houses during the Christmas Holiday period.

Cllr. Robbie Gallagher asked:-

- (b) Would the Council put down additional “Stop Signs/Yield Signs” in the Glaslough Street Car Park in the interest of road safety?

The Engineering staff will examine what additional signs are required with a view to supplementing the existing signage.

- © What is the time scale for the completion of Road works around the town bearing in mind the “run in” to the Christmas Shopping period?

All roadworks have now been completed with the exception of the work at Old Cross Square which is nearing completion. Works at Old Cross Square will be managed in such a way as to avoid unnecessary disruption to businesses and traffic flow.

- (d) In light of the very serious flooding that occurred recently, what powers, if any do the Local Authority and/or Board of Works have to insist that private land owners keep streams running freely on their lands?

Damage to property arising from poorly maintained drains on private land falls under the remit of common law and a preliminary investigation of Acts of the Oireachtas suggests that the Local Authority do not have explicit powers of enforcement. Legal advice is required to confirm this position. Where drains or streams flow through lands, there is a duty in common law for landowners to accept waters from upstream and to maintain those drains or streams in such condition so as to allow the free flow of water.

Under the Local Authorities (Works) Act 1949, the Local Authority has powers to enter onto lands to improve land drainage where they determine that a need exists. Works of this nature may be grant aided under the OPW’s Minor Works Scheme.

22. Resolutions from other Local Authorities:-

- (a) “That Donegal County Council refrain from collecting any charge that may be imposed on owners of Septic Tanks that are working properly, as this is a discriminate form of collecting revenue”.

Donegal County Council

On the proposal of Cllr. Seán Conlon seconded by Cllr. Pádraígin Uí Mhurchadha it was agreed to adopt the above Resolution.

- (b) “That this Council recognises the need to upgrade many septic tank systems in Ireland in order to meet the 1975 and 1991 European Directives on waste water but affirms that the Directives should not be used as a mechanism to raise revenue from struggling home owners in rural communities and calls for:-

- The costs of works on septic tanks which need to be upgraded, to be grant aided from central Government funds such as waste water capital programmes.

- A system, similar to that in the north of Ireland, where a desludging service is provided yearly, free of charge to homeowners financed by the Department of Environment.
- A programme to be put in place to protect our ground water and surface water, based on the information gathered in the recent River Basin Management Plans and that a hierarchy of threats to our ground water and surface water status be put in place, including threats posed by septic tanks”.

Donegal County Council

The Members supported the above Resolution.

- © “That Donegal County Council address the issue of EU Regulations of Septic Tanks in our County, also all Sewage Treatment Plants and Waste disposal”.

Donegal County Council

The Members supported the above Resolution.

- (d) “That Castlebar Town Council supports the naming of the new National Children’s Hospital as the “Kathleen Lynn National Children’s Hospital”.

Castlebar Town Council

The Members marked the above Resolution read.

- (e) “That this Council call on the Oireachtas Members and our fellow County Councillors to take whatever action is necessary to save our Town Councils”.

Tipperary Town Council

The Members supported the above Resolution.

- (f) “That this Council calls on the Government to carry out a total review of the Rates system in view of the substantial amount of money struck off by Local Authorities for 2010 and taking into consideration the very difficult financial circumstances many businesses now find themselves in”.

Castlebar Town Council

The Members supported the above Resolution.

- (g) “That this Council discuss the Family Home Bill on families facing severe mortgage difficulties that was supported by all opposition parties and Independents Senators, and had the full backing of the Free Legal Aid Centre (FLAC) and the New Beginning Group, as there is widespread recognition from interest groups and politicians alike that this Bill would give strong legal protection to families facing the prospect of losing their homes because of mortgage difficulties”.

Dongéal County Council

The Members supported the above Resolution.

Cllr. Robbie Gallagher congratulated Judge McBride for his recent court statement that he wouldn’t be granting judgements in favour of banking institutions in cases where defendants are unable to meet their repayments.

- (h) “That Donegal County Council call on this Government to immediately amend the Redundancy Payment Acts 1967-2007 so as to ensure that an employer is legally obliged to sign the RP50 upon dismissal and if he/she fails to do so that an increased penalty should be enforced and also recognise that the current waiting time for the employment appeal tribunal is excessive and a call for the hearings to be expedited”.

Donegal County Council

On the proposal of Cllr. David Maxwell seconded by Cllr. Seán Conlon it was agreed to mark the above Resolution read.

- (i) “That Ballina Town Council calls on the Minister for Social Welfare and Environment to co-operate in the introduction of process:-
- To ensure that Rental Subsidy is not paid on property that is not registered with the PRTB
 - To ensure that Rental Subsidy is not paid on a property where the intended tenant is not on the Local Authority Housing list
 - To ensure that property owners on which rental support is sought which are not registered with the PRTB are prosecuted.

Ballina Town Council

It was agreed to support the above Resolution.

- (j) “To request that Leixlip Town Council asks Kildare County Council and other Councils that in light of the proposal to introduce a residential tax in 2012, that the commercial rates for businesses are reduced significantly (i.e. by two-thirds)”.

Leixlip Town Council

The Members marked the above Resolution read.

- (k) “That in view of the failure of the Keane Report to adequately address the difficulties being experienced by distressed mortgage holders in a reasonable timeframe, that Monaghan County Council calls on the Government and the Minister for Finance to examine other solutions that would have a more immediate impact in helping resolve these distressed mortgage holders difficulties and furthermore to examine the solutions put forward by the New Beginnings Group”.

Monaghan County Council

It was agreed to support the above Resolution.

- (l) “That Tullamore Town Council request a meeting with the County Registrar regarding the employment of Polling Centre and Count Staff and give priority to people who are unemployed and also discuss the speeding up of the count process in the Laois/Offaly Constituency and write to the Minister regarding same”.

Tullamore Town Council

It was agreed to support the above Resolution.

- (m) “In acknowledging the increasing difficulties being faced by many people in this County, that Donegal County Council discuss the serious reduction in services and benefits for people with disabilities, and calls on the Government to immediately address the situation in Budget 2012”.

Donegal County Council

It was agreed to support the above Resolution.

23. Conferences

- (a) TGR Seminars – “Being Positive in a Negative Climate – Delivering Solid and Sustainable Results for Communities in 2012” – Bunnally Castle Hotel, Co. Clare – 9th – 11th December 2011 – (approx. cost €700)

No attendance is to take place to the above Conference.

The Members were circulated with a report complying with Section 142 (5)(f) of the Local Government Act 2001 in relation to the following Conference:-
Federation for Victim Assistance – “Victims of Crime - The Cost to the Community” – Tralee, Co. Kerry – attended by Cllr. Seán Conlon.

24. Any Other Business

Cllr. Thomas Hagan called for support for a Country and Western Festival which is to take place in the town next year. The Members called on the organisers to liaise with the Monaghan Chamber of Commerce.

Cllr. Sherry called for those on jobseekers allowance to be employed at election counts in the future.

25. Sympathy/Congratulations

A vote of sympathy was extended to the following:

- The Cuddy Family, Mullaghduon on the death of Tom Cuddy
- The Mc Cormick Family, Claraghy, Rockcorry on the death of Caoimhe Mc Cormick
- The Rice Family, Clontibret on the death of Marie Rice (nee Loughran)
- Cllr. Robbie Gallagher on the death of his cousin, Danny Gallagher
- The Connolly Family, Threemilehouse on the death of Charlie Connolly
- The Rogan Family, Glaslough on the death of Dan and Justin Rogan
- Rev. Mervyn Burnside on the death of his wife, Alison
- The Hetherington Family, Beechgrove on the death of John Hetherington

A vote of congratulations was extended to the following:

- Monaghan United Football Club on their promotion to the Airtricity Premier League
- Paddy Donnelly, Dr. McKenna Terrace who retired after 43 years of service as a Postman in the North Monaghan area.

- The Republic of Ireland Soccer team on reaching the European Championships next summer.
- Therese McNally, Grainne McNally, Sharon Courtney and Ciara McAnespie on receiving the O' Neills TG4 Ladies Football All Star Awards 2011.

This concluded the business of the Meeting.

Dated this the 19th day of December 2011

Signed: _____
Cathairleach