

## **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> March, 2011**

**Cathaoirleach:** Cllr. Mary Hilda Cavanagh/Cllr. Marie Fitzpatrick

**Councillors:-** P. Millea, M. Shortall, J. Brennan, J. Coonan, M. Brett, P. Cuddihy, M. Noonan, A. McGuinness, M. Doran, W. Ireland, T. Maher, P. O' Neill, T. Prendergast, M. O' Brien, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward and F. Doherty.

**Apologies:** Cllr. C. Connery

Cllr. Connery was unavailable to attend the monthly meeting. A proposition was sought by the Meetings Administrator to appoint a Councillor to chair the meeting. It was proposed by Cllr. M. O' Brien and seconded by Cllr. T. Maher and agreed: - "That Cllr. M. H. Cavanagh be appointed to chair the meeting".

Cllr. M. H. Cavanagh proposed a vote of sympathy to Cllr. T. Breathnach on the death of his sister. Sr. Mary Xavier Walsh, Religious Sisters of Charity. The Vote of Sympathy was seconded by Cllr. C. Long. All members and County Manager were associated with it. It was agreed to adjourn the meeting for 10 minutes as a mark of respect.

Cllr. T. Breathnach thanked the members and Management of Kilkenny County Council for their kind words of sympathy.

### **Votes of Sympathy**

Votes of Sympathy were sent to the following:-

- The Driscoll Family, Jamestown, Piltown, Co. Kilkenny on the death of Joe Driscoll.
- Angela Parker, Airmount, Slieverue, Co. Kilkenny on the death of Jodie Crowley.
- Sean McEvoy, Rathlogan, Johnstown, Via Thurles, Co. Kilkenny on the death of Breda McEvoy.

Cllr. M. H. Cavanagh congratulated Deputy Enda Kenny on been appointed Taoiseach and also Deputy Phil Hogan on his appointment to a senior Minister post. Congratulations were also extended to all those who were elected as T.D.'s.

Cllr. M. Doran and P. Millea also extended their congratulations and condolences to those who were unsuccessful.

It was proposed by Cllr. P. Millea, Seconded by Cllr. M. Shortall and agreed : -"That an invitation be extended to Deputy Phil Hogan Minister for Environment, Heritage & Local Government to attend the monthly meeting of Kilkenny County Council on 18<sup>th</sup> April, 2011.

Best wishes were extended by Cllr. M. Shortall to Catherine Brennan wife of Cllr. J. Brennan for a speedy recovery. Congratulations were extended by Cllr. C. Long to Margaret Haberlin who was presented with an All Ireland Inspirational Life Award.

**1. Confirmation of Minutes - Dearbhú Miontuairiscí:**

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> of February 2011

Proposed by Cllr. P. O' Neill, Seconded by Cllr. M. Brett and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> of February, 2011 copy of which had been circulated be and are hereby approved".

**2. Business prescribed by Statute, Standing Orders or Resolutions of the Council. - Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.**

(a) **Corporate Affairs - Gnóthaí Corparáideacha**

Casual Vacancy

- (1) Filling of Vacancy on Kilkenny County Council caused by election of Cllr. A. Phelan as a TD

Proposed by Cllr. M. O' Brien, Seconded by Cllr. M. Shortall and resolved: - "In accordance with Section 19 of the Local Government Act, 2001, Kilkenny County Council by resolution at the Ordinary Meeting held on 21<sup>st</sup> March, 2011 co-opted Mr. Tommy Prendergast, 3 St. Oliver Plunkett Road, Tinnahinch, Graiguenamanagh, Co. Kilkenny member of the Labour Party to replace Cllr. Ann Phelan as a member of Kilkenny County Council.

Mr. Tommy Prendergast, 3 St. Oliver Plunkett Road, Tinnahinch, Graiguenmanagh, Co. Kilkenny has indicated in writing prior to the meeting that he is consenting to be co-opted if the Council decided to accept his nomination".

Congratulations were extended to Cllr. T. Prendergast by members. The County Manager welcomed Cllr. T. Prendergast to the Council and wished him well on behalf of the all the staff.

Cllr. Prendergast thanked the members for their kind words of welcome.

- (2) Filling of Vacancies on the following committees of Kilkenny County Council caused by election of Cllr. A. Phelan as a T.D. Proposed by Cllr. M. O' Brien, Seconded by Cllr. M. Shortall and resolved:- Kilkenny County Council by resolution at the Ordinary Meeting held on 21<sup>st</sup> March, 2011 co-opted

Mr. Tommy Prendergast, 3 St. Oliver Plunkett Road, Tinnahinch, Graiguenamanagh, Co. Kilkenny member of the Labour Party to replace Cllr. Ann Phelan onto the following committees of Kilkenny County Council:-

- Thomastown Electoral Area Committee
- SPC 5 Community & Social Policy, Arts, Culture, Heritage, Tourism & Education
- Kilkenny Joint Policing Committee
- Kilkenny County Enterprise Board
- Kilkenny County Committee of Irish Water Safety
- The Port of New Ross
- County Kilkenny Leader Partnership Board
- Steering Group for Restoration of Woodstock Gardens

Mr. Tommy Prendergast, 3 St. Oliver Plunkett Road, Tinnahinch, Graiguenamanagh, Co. Kilkenny as indicated in writing prior to the meeting that he is consenting to be co-opted if the Council decided to accept his nomination”.

Proposed by Cllr. M. O’ Brien, Seconded by Cllr. M. Shortall and agreed:- Kilkenny County Council by resolution at the Ordinary Meeting held on 21<sup>st</sup> March, 2011 nominated Cllr. Marie Fitzpatrick, 64 Bishop Birch Place, Kilkenny, Member of the Labour Party to replace Cllr. Ann Phelan onto the following committee:-

- South East Regional Authority.

(3) Election of Leas Cathaoirleach

Proposed by Cllr. M. O’ Brien, Seconded by Cllr. M. Shortall and agreed: - “That M. Fitzpatrick be elected Leas Cathaoirleach of Kilkenny County Council”.

Cllr. M. H. Cavanagh sent best wishes to all those Councillors who are candidates for the Senate Elections.

At this stage Cllr. M. Fitzpatrick Leas Cathaoirleach assumed the role as Chairperson for the remainder of the meeting.

**(b)** Departure/farewell - Former Councillor Deputy Ann Phelan.

Cllr. M. Fitzpatrick congratulated Ann Phelan on her election as TD. She wished Deputy Phelan every good luck in her new position. Contributions were received from Cllrs. M. H. Cavanagh, M. Doran, M. Noonan, S. Treacy, M. O’ Brien, M. Shortall. Members thanked A. Phelan for her hard work as a Councillor and her dedication to the people of Graignamanagh and County of Kilkenny. She was wished the best in

her new role and members looked forward to continuing to work with her on behalf of Kilkenny. County Manager congratulated Deputy Phelan on behalf of all the staff. Cllr. M. Fitzpatrick and Cllr. C.Long presented Deputy A. Phelan with a gift on behalf of Kilkenny County Council.

Deputy A. Phelan thanked the members and County Manager for their good wishes. She said it was an honour to be a Councillor and an even greater honour to be elected a T.D. by the people of Kilkenny/Carlow. She would continue to work with the Council. She thanked the members and all the staff for the good working relationship over the past few years she said it was a time of sadness as she leaves her role as Councillor.

**(c) Other Disposal- Díúscairt Eile**

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Maher and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in property at Danesfort, Bennettsbridge, Co. Kilkenny, to Tim Drea, Danesfort Road, Bennettsbridge, Co. Kilkenny, in accordance with Section 183 of the Local Government Act, 2001”.

**(d) Housing Disposal - Tithíocht Díúscairt**

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Maher and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in property at Tobernapeastia, Freshford, Co. Kilkenny to the Executor of Catherine Butler, Deceased and John Butler, Deceased in accordance with the terms of the Housing Acts 1966 to 2002”.

**(e) Roads – Bóithre**

Road Works Programme 2011

Mr. John Mulholland outlined to the members that the Roads Work Programme for 2011 has been discussed in detail at each electoral area meeting. The main area of reduction in funding is on motorways which all have been completed in 2010. The total expenditure on roads for 2011 will be €27.6million.

Contributions were made by Cllr. M. Shortall, M. O’ Brien, M. H. Cavanagh, M. Noonan, J. Coonan, T. Maher, S. Treacy, P. Dunphy, P. Cuddihy, T. Breathnach, E. Aylward, C. Long, F. Doherty, M. Doran. Issues raised by members included flexibility for the Council in spending the allocation projects funded through Development Levies, serious potholes on a lot of county roads, specific funding for footpaths/kerbs etc, right hand turns on the Callan By Pass , funding for Hennebry’s Cross and Kiljames Bridge, Health & Safety requirement for road projects, pedestrian crossing at Slieverue, Public lighting, Ballyclovan cross. Concerns were expressed in relation

to the Central Access Scheme and funding for the third bridge in Kilkenny City. Members requested that a letter be sent to NRA in relation to allowing local authorities flexibility in spending funds received. Mr. John Mulholland responded to all the issues raised. He advised members that the current estimated cost for the Central Access Scheme including the Bridge is approx €9.7m. Special provision of €137,500 is provided from the NRA for lighting on the Motorway.

The adoption of the Roadwork's Programme for 2011 was proposed by Cllr. P. Dunphy, Seconded by Cllr. T. Breathnach and agreed.

Proposed Development by Kilkenny County Council at Hennebry's Cross and at Grange Bridge, Ballyragget. Proposed by Cllr. J. Coonan, Seconded by Cllr. M Shortall and agreed.

**(f) Environment -**

Newrath Recycling Centre.

Mr. P. O' Neill Director of Services advised the members that the company Greenstar has been appointed to service all the local authority operated recycling centres in the region with effect from 1<sup>st</sup> April, 2011. Due to recent negotiating in the service contract Kilkenny County Council is now in a position to continue to operate the Recycling service in Newrath for the remainder of the year. This service will be funded from saving accrued to the entire county under the contract.

Cllr. P. Dunphy welcomed the announcement and complimented the staff in achieving the reduced costs to provide the service.

Cllr. Aylward, Breathnach, C. Long, F. Doherty, also welcomed the extension of the service to the end of 2011. This service is appreciated by the public and it is widely used by people living in the area.

Climate Change Strategy

Mr. P. O' Neill Director of Services introduced Ms. B. Moloney Education Awareness Officer who then gave a presentation on the Internal Strategy prepared by the Council on Climate Change & Energy Efficiency Action Plan 2010-2014 for Kilkenny Local Authorities. Projects are already underway to reduce the Local Authority Energy demand. These will continue throughout the period of the plan to achieve annual energy reduction of 3%. A steering committee of senior personnel from each Directorate oversees and monitors the progress of each action outlined in the plan. The action plan is a tool to measure and report progress on the energy reduction projects and also to publicise the local authorities commitment to increase its resource efficiency.

The climate change strategy action plan was proposed for adoption by Cllr. M. Noonan and seconded by Cllr. P. Cuddihy and agreed by all members. Cllr. M. Noonan stated it was an excellent document and that the local authority was best placed to implement the policies.

Cllr. P. Cuddihy stated that climate change is affecting all us and that this is a working document to be used by all staff.

**(g) Finance- Airgeadas**

Draft 2010 Annual Financial Statement

Mr. John Dempsey Head of Finance advised the members that the Council kept within budget during 2010. There was a deficit of €17,300 in the year. The accounts for 2010 will be audited during the year and a report will be coming back to the Council before the end of the year.

Contributions were made by Cllr. T. Maher, M. Shortall, M. Noonan, P. Dunphy, F. Doherty in relation to outstanding Development Charges, unfinished housing estates, water meters for agriculture purposes, rate and water charges write off. Further details were requested on a number of individual items. Mr. J. Dempsey answered all queries raised and advised members that further details will be available on the individual issues raised at the next meeting. Members are requested to approve the over expenditure for the year 2010.

It was proposed by Cllr. T. Maher, Seconded by Cllr. M. Shortall and agreed:- "That Kilkenny County Council hereby approves of Excess Expenditure for year ending 31<sup>st</sup> December, 2010 in accordance with S104(2) Local Government Act 2001

<b>Housing &amp; Building</b>		<b>€</b>
A01	Maintenance & Improvement of LA Housing	605,807
A07	RAS Programme	287,516
A08	Housing Loans	1,616,772
A09	Housing Grants	271,969
A11	Agency & Recoupable Services	<u>217,772</u>
	Subtotal	2,999,836

**Road Transportation & Safety**

B02	NS Road – Maintenance & Improvement	366,885
B03	Regional Road – Maintenance & Improvement	574,590
B04	Local Road – Maintenance & Improvement	1,250,368
B05	Public Lighting	71,478
B07	Road Safety Engineering Improvement	79,224
B11	Agency & Recoupable Services	<u>466,815</u>
	Subtotal	2,809,360

### **Water Services**

C02	Waste Water Treatment	84,596
C03	Collection of Water and Waste Water Charges	726,249
C04	Public Conveniences	31,818
C06	Support to Water Capital Programme	61,551
C07	Agency & Recoupable Services	<u>6,057</u>
	Subtotal	910,271

### **Development Management**

D05	Tourism Development and Promotion	51,847
D07	Unfinished Housing Estates	64
D08	Building Control	63
D09	Economic Development and Promotion	<u>12,417</u>
	Subtotal	64,391

### **Environmental Services**

E01	Landfill Operation and Aftercare	227,164
E02	Recovery & Recycling Facilities Operations	23,783
E06	Street Cleaning	8,262
E11	Operation of Fire Service	140,305
E12	Fire Prevention	19,952
E14	Agency and Recoupable Services	<u>7,822</u>
	Subtotal	427,288

### **Recreation and Amenity**

F01	Leisure Facilities Operations	148,757
F04	Community Sport & Recreational Development	<u>2,365</u>
	Subtotal	151,122

### **Agriculture, Education, Health & Welfare**

G04	Veterinary Service	20,091
G05	Educational Support Services	1,134,584
G06	Agency & Recoupable Services	<u>151</u>
	Subtotal	1,154,826

### **Miscellaneous Services**

H02	Profit & Loss Stores Account	78,275
H03	Administration of Rates	310,239
H04	Franchise Costs	7,137
H05	Operation of Morgue and Coroner Expenses	9,107
H06	Weighbridges	4,500
H11	Agency & Recoupable Services	<u>385,252</u>
	Subtotal	794,510
	<b>TOTAL</b>	<b>9,311,604</b>

### **(h) Housing – Tithíocht**

Adoption of 2011 Fixed Term Tenant Purchase Scheme for Long-Standing Tenants.

Mr. John McCormack Director of Services briefed the Council on the 2011 Fixed Term Tenant Purchase Scheme for long standing tenants. He invited all members to attend the Housing SPC on 31<sup>st</sup> March, 2011 where full details of this scheme and other policy changes will be fully outlined to members. Voluntary Housing Bodies will also attend the SPC.

Queries were raised by Cllr. M. Doran, T. Maher, M. Shortall & M. O' Brien in relation to the Tenant Purchase Scheme. Replies were given by J. McCormack Director of Services. It was proposed by Cllr. M. O' Brien, Seconded by Cllr. M. Doran and agreed:- "That Kilkenny County Council hereby adopts the 2011 Purchase Scheme for Long-Standing Tenants for the sale of houses under Section 90 of the Housing Act 1966 and in compliance with The Housing (Sale of Houses to Long-Standing Tenants) Regulations, 2011 is hereby approved".

### **3. Urgent Correspondence - Comhfhreagras Práinneach**

No items were received for circulation. At this stage Mr. M. Delahunty Senior Executive Officer advised members that the closing date for return of election papers for the senate is 26<sup>th</sup> April, 2011 by 11.00a.m. He advised members to return the ballot paper by 21<sup>st</sup> April, 2011 if possible.

Cllr. T. Maher requested that Kilkenny County Council would support efforts being made to have President Barack Obama visit Kilkenny. Cllr. P. Millea supported this request due to links with the White House and Kilkenny. County Manager advised members that the Mayor has issued an invitation.

### **4. Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú roimhe seo:**

None



**5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:**

Schedule of meetings for March – May. Proposed by Cllr. P. Dunphy, Seconded by Cllr. J. Coonan and agreed.

**6. Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:**

None.

**7. Other Business set forth in the Notice convening the Meeting - Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None

**8. Education & Training**

Conferences – Request for approval to attend as per circulated list. Proposed by Cllr. P. Dunphy, Seconded by Cllr. M Shortall and agreed.

**9. Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí**

None.

**10. Any Other Business - Aon Ghnó Eile**

Cllr. M. Noonan raised the issue in relation to the recent attempts by the Japanese to deal with Nuclear reactors. He stated that the commitment by the UK to develop new power stations is a significant threat to Ireland.

It was agreed that Cllr. Noonan would submit a Notice of Motion for the April Meeting.

**11. Notices of Motion - Fógraí Rúin:**

**2(11) Cllrs. M. Doran, P. Millea, S. Treacy, A.McGuinness, C. Long, E. Aylward, M.H. Cavanagh, M. Brett, J. Coonan, P. Cuddihy, F. Doherty, B. Ireland, M. Fitzpatrick, J. Brennan, P. Dunphy, T. Breathnach, A. Phelan, M. Shortall, M. O’ Brien, P. O’ Neill, A.M. Irish, T. Maher, C. Connery, P. Crowley, M. Noonan, B. Manning.**

Proposed by Cllr. C. Long, Seconded by Cllr. P. Dunphy:- “That Kilkenny County Council write to the National Roads Authority to urge them to abandon its current preferred route for the Carrick-on-Suir By Pass with a view to examining an alternative route corridor which would have less negative impact on local people and the future viability of Carrick-on-Suir”

Contributions were made by Cllrs. C. Long, P. Dunphy, E. Aylward, M. Doran they requested that other options be sought and that the original route would be brought

back for consideration. The proposed route would have serious impact on the people and the town of Carrick on Suir.

**3(11) Cllrs. Tomas Breathnach, Ann Phelan, Marie Fitzpatrick, Michael O' Brien and Maurice Shortall.**

“That in view of the recent European Court of Auditors report on the international sugar industry that the Council writes to the Department of Agriculture & Food and to the Department of Enterprise, Trade & Employment to consider measures which would result in Ireland reacquiring its sugar beet production quota and to encourage the re-establishment of the sugar processing industry in Ireland”.

**Withdrawn.**

**4(11) Cllrs. Pat Dunphy, Anne Marie Irish, Fidelis Doherty, Tomas Breathnach, Cora Long and Eamon Aylward.**

“Proposed by Cllr. P. Dunphy:- That Kilkenny County Council keep the Newrath recycling facility open and that finance is made available in future council budgets to put towards the new recycling centre planned for Grannagh”.

County Manager advised members that it was not appropriate at this stage to propose that funding be made available in future budgets. These decisions can only be made when the draft estimates for each year are presented to the Council. It was agreed to defer this motion until later in the year.

**12. Notices of Motion from other local authorities seeking support of Kilkenny County Council County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:**

**4(11) Clonmel Borough Council**

“That Clonmel Borough Council calls on the Government to recognize the unique and vital role of the postal service in Ireland, and particularly rural Ireland, as a means of communications, as a vital economic tool and as an intrinsic part of the fabric of the community. Our postal service has a social and economic value, these must be properly protected as the Government draft legislation to open the postal market to full competition. Post men and women provide very important public service and also function as an integral part of the social fabric of their community, particularly for the elderly and isolated citizens whose only human contact might be the post person. Furthermore An Post’s extensive delivery and collection network, is an intrinsic part of the economic and business infrastructure of the country. Reaching every corner of the country and by delivering to every front door An Post is an essential partner in business from a marketing, payment

collection and business generation point of view. As Ireland prepares to liberalise its postal market it is essential that the Government acknowledges this important public service, ensures that the Universal Service Obligation is protected by legislation and does not allow the opening of the market to lead to wide spread job losses, social dumping and an erosion in service levels as has happened in other countries who have already opened their postal market to competition”.

Noted

**5(11) South Tipperary County Council.**

“That in view of the recent European Court of Auditors report on the international sugar industry, this Council calls on the Government to consider measures which would result in Ireland acquiring its sugar beet production quota and encourage the re-establishment of the sugar processing industry in Ireland and further that this Council would facilitate a meeting of interested parties with a view to progressing any proposal in this regard”.

Noted.

Signed: \_\_\_\_\_  
Cathaoirleach

Date: \_\_\_\_\_