

## CARLOW COUNTY COUNCIL

**Minutes of the November Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 12<sup>th</sup> November, 2018 at 2.00 p.m.**

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**Present:** Councillor B. O'Donoghue (Cathaoirleach)  
Councillor F. Browne  
Councillor J. Cassin  
Councillor A. Dalton  
Councillor J. Deane  
Councillor M. Doran  
Councillor A. Gladney  
Councillor T. Kinsella  
Councillor A. McDonald  
Councillor K. Murnane  
Councillor C. Murphy  
Councillor J. Murphy  
Councillor W. Paton  
Councillor J. Pender  
Councillor F. Phelan  
Councillor W. Quinn

**Apologies:** Councillor D. Foley  
Councillor W. Lacey

**In attendance:** Ms. K. Holohan, Chief Executive  
Mr. D. McInerney, Director of Services, Transportation, Environment, Water Services, Building Control and Emergency Services.  
Ms. B. O'Brien, Director of Services, Planning & Corporate Services.  
Mr. P. Delaney, Head of Finance  
Mr. M. Brennan, Acting Director of Services, Housing  
Mr. J. Shorthall, Acting County Librarian  
Mr. B. O'Donovan, Acting Senior Engineer, Environment.  
Mr. R. Wickham, Senior Engineer, Transportation  
Ms. S. Dowling, Arts Officer  
Ms. K. Mooney, Project Assistant  
Mr. A. O'Neill, Acting Chief Fire Officer  
Mr. L. Carroll, Acting Senior Assistant Chief Fire Officer  
Mr. P.J. Leonard, Financial Accountant  
Mr. E. Brophy, Senior Executive Officer, Corporate Services.

Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

### **OPENING PRAYER**

The Cathaoirleach welcomed Bishop Denis McNulty to the meeting and invited him to give the opening prayer.

The Cathaoirleach welcomed Senator John Dolan, Chief Executive, Disability Federation of Ireland to the Chamber and acknowledged his work supporting people with disabilities by continually raising disability inclusion issues at every opportunity.

### **VOTES OF SYMPATHY**

- The Roberts Family, Lackabeg, Kildavin, Carlow on the death of their father Joseph Roberts, former employee Carlow County Council.
- Niall Kinsella, Water Services on the death of his father Austin Kinsella, 'The Bungalow', Cloydagh, Carlow.
- Kathleen Keppel & Family, 'The Limit', Moone, Co. Kildare on the death of her husband Arthur.
- The Tully Family, Browneshill House, Carlow on the death of their father Frank.
- Patricia Hughes & Family, 82 St. Clare's Road, Graiguecullen, Carlow on the death of her husband Ned.
- The Nolan Family, 1 Talbot Terrace, Browneshill Road, Carlow on the death of their father Sean.
- The Lacey Family, 12 Riverside, Carlow on the death of their father Tony.
- Alan & Deirdre Byrne & Family, Minvaud Lower, Clonmore, Hacketstown, Co. Carlow on the death of their son Eoin.
- Kathleen Callinan & Family, 18 New Oak Estate, Carlow on the death of her husband Mattie.
- Betty Strong & Family, 46 New Oak Estate, Carlow on the death of her husband Vinny.
- Kevin Byrne & Family, Rathleenleigh, Myshall, Co. Carlow on the death of his wife Catriona.
- Anthony Nolan & Family, on the death of his uncle Michael Nolan, Glenco, Myshall, Co. Carlow.

- Christy Walsh & Family, Ballynattin, Borris, Co. Carlow on the death of his wife Breda.
- Elizabeth Lawlor & Family Barnahaskin, Ballymurphy, Borris, Co. Carlow on the death of her brother Jim Murphy, Knock, Ballymurphy, Borris, Co. Carlow.
- The Murphy Family, Slievedurda, Borris, Co. Carlow on the death of their mother Mary Kate.
- The O'Brien Family, Killedmond, Borris, Co. Carlow on the death of their mother Kathleen.
- The Carter Family, The Cottages, Borris, Co. Carlow on the death of their mother Gretta.
- The Doyle Family, Ballybeg Big, Graiguenamanagh, Co. Kilkenny on the death of their mother Margaret.
- Michael & Ann O'Gorman, Dunore, Bagenalstown, Co. Carlow on the death of their son James.
- Ann Cole & Family, Ballykillduff, Tobinstown, Tullow, Co. Carlow on the death of her husband Tom.
- The Bolger Family, Rathvilly House, Rathvilly, Co. Carlow on the death of their mother Gretta.

## **VOTES OF CONGRATULATIONS**

- Carlow Regional Youth Services on celebrating 30 years of youth work in Carlow
- The Mercy Sisters on celebrating the 175<sup>th</sup> anniversary of the departure of seven Mercy Sisters from St. Leo's convent Carlow to Pittsburgh, Pennsylvania.
- Kylie Murphy on being nominated as 'Player of the Year' with Wexford youths women soccer.
- The Presentation School Band on celebrating 50 years in existence.
- Old Leighlin Ladies Football on reaching the semi-final of the All Ireland Ladies Junior Club Football.
- Merc Sharp and Dóhme on creating new job opportunities in Carlow.
- All involved with the successful memorial event to mark the centenary of 1918 armistice at Leighlinbridge, Co. Carlow.

- The Holy Angels on celebrating 40 years as a special facility for children with special needs in Carlow.
- Michael D. Higgins on his re-election as President of Ireland.
- All involved with the success of Scarefest 2018.

The Cathaoirleach expressed word of thanks to the Council from the organising committee of the national ex-servicemen and women (ONE) for flying the Fuchsia flag during the month of July and for their support of congress 2018 hosted by the Carlow Branch.

## **1(a) CONFIRMATION OF MINUTES**

**Proposed by Councillor T. Kinsella**

**Seconded by Councillor J. Deane**

**AND**

Following a show of hands it was unanimously resolved:-

*‘That the Minutes of the October Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 10<sup>th</sup> September, 2018 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.*

## **2. CIRCULARS**

### **(a) Call for submissions in relation to the Local Authority Elected Members Role and Remuneration Review.**

Members had correspondence from the Department of Housing, Planning and Local Government on call for submission in relation to the Local Authority Elected Members role and remuneration review.

Councillor McDonald suggested to members not to delay the review as the submissions put forward by the AILG and LAMA were excellent.

Councillor McDonald also thanked the CCMA for their assistance with the review.

Councillor Paton suggested a one-page draft submission to be circulated to the members.

## **3. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL.**

### **(a) Right of access across the front of Leighlinbridge Wastewater Pump station to The Garrison Waterside Holiday Homes.**

On the proposition of Councillor Doran, seconded by Councillor McDonald and following a show of hands it was agreed to defer this item to the December meeting of Council.

**(b) The disposal of 0.0158 acres at Barrow Lane/Regent Street, Bagenalstown.**

**Proposed by Councillor A. McDonald**  
**Seconded by Councillor A. Gladney**  
**AND**

Following a show of hands it was unanimously resolved:-

*That we, the Members of Carlow County Council hereby approve in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211, the disposal of 0.0158 acres at Barrow Lane/Regent Street, Bagenalstown, Co. Carlow to Thomas Dudley McEvoy, Regent Street, Bagenalstown, Co. Carlow in consideration of the sum of €10 plus all associated costs, in accordance with the terms of the statutory notice already circulated. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said lands.*

**(c) Approval for visit to Dole, France**

The Cathaoirleach advised the Members that The Mayor of Carlow Councillor Murnane had received an invitation from the President of Dole Sister Cities to visit Dole, France. Dole was twinned with the former Carlow Town Council.

**Proposed by Councillor W. Paton**  
**Seconded by Councillor J. Pender**  
**AND**

Following a show of hands it was unanimously resolved:-

*That we, the Members of Carlow County Council hereby approve that the Mayor visit Dole, France.*

**(d) Carlow County Draft Noise Action Plan – Environmental Noise Regulations, 2006 (S.I. No. 140)**

Members had report from D. McInerney on Carlow County Draft Noise Action Plan. The Plan sets out an approach to review noise impact levels and to set out the existing and proposed approach for the management and control of environmental noise over the next five years within the county.

The Draft Plan will be discussed at the Environment SPC scheduled for 28<sup>th</sup> November. The Draft Plan will go on public display with the public consultation period ending on 3<sup>rd</sup> January 2019.

**(e) (a) Proposed Extinguishment of Public Right-of-Way:-**

**(i) Over 30m in St. Marys Park, Rathnapish between the hours of 10.00pm and 8.00am.**

D. McInerney sought Members' approval to extinguishment of Public Right-of-Way of over 30m in St. Mary's Park in the townland of Rathnapish between the hours of 10.00pm and 8.00am. Carlow County Council received a formal request from the residents to make an Order Extinguishing the Public Right-of-Way.

**Proposed by Councillor J. Cassin  
Seconded by Councillor A. Dalton  
AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council, pursuant to Section 73 of the Roads Act, 1993, hereby approve the Extinguishment of Public Right-of-Way of over 30m in St. Mary's Park in the townland of Rathnapish between the hours of 10.00pm and 8.00am with effect from 1<sup>st</sup> December, 2018'.*

**(ii) Over two number Public Right of Ways in Cois Na Coill, Pollerton Big.**

D. McInerney sought Members' approval to Extinguishment of over two number Public Right-of-Ways in Cois na Coill, Pollerton Big, Carlow following a formal request from the residents to make an Order Extinguishing the Public Right-of-Way.

**Proposed by Councillor F. Phelan  
Seconded by Councillor A. Dalton  
AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council, pursuant to Section 73 of the Roads Act, 1993, hereby approve the Extinguishment of over two number Public Right-of-Ways in Cois na Coill, in the Townland of Pollerton Big, Carlow with effect from 1<sup>st</sup> December, 2018'.*

**(iii) Over 25m in Fr Cullen Terrace, Rathvilly.**

D. McInerney sought Members' approval to Extinguishment of over 25m in Fr. Cullen Terrace in the Townsland of Rathvilly, Co. Carlow following a formal request from the residents to make an Order Extinguishing the Public Right-of-Way

**Proposed by Councillor W. Paton  
Seconded by Councillor B. O'Donoghue  
AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council, pursuant to Section 73 of the Roads Act, 1993, hereby approve the Extinguishment of over 25m in Fr. Cullen Terrace in the Townsland of Rathvilly, Co. Carlow with effect from 1<sup>st</sup> December, 2018'.*

**(b) Proposed Extinguishment of Public Right-of-Way over 261m on the L-40362 Back Lane in St. Patrick's Avenue, Carlow.**

D. McInerney sought Members' approval to Extinguishment of over 261m on the L-40362 Back Lane in St. Patrick's Avenue in the Townsland of Carlow following a formal request from the residents to make an Order Extinguishing the Public Right-of-Way.

One submission was received during the public consultation period. The issues raised in submission were addressed by R. Wickham, Acting Senior Engineer.

**Proposed by Councillor F. Phelan  
Seconded by Councillor K. Murnane  
AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council pursuant to Section 73 of the Roads Act, 1993, hereby approve the Extinguishment of over 261m on the L-40362 Back Lane in St. Patrick's Avenue in the Townsland of Carlow with effect from 1<sup>st</sup> December, 2018'.*

**4. DEPARTMENTAL PROGRESS REPORTS**

**(a) Library Progress Report**

J. Shorthall, Acting County Librarian presented the Library Progress Report to 31<sup>st</sup> October, 2018.

Members complimented the Library Service on their excellent services where members of the community can access knowledge, ideas and information and where people can connect and learn.

In response to Members' query J. Shorthall advised that shared services with Carlow/Kilkenny library is no longer on the agenda but that two members of both Carlow and Kilkenny Libraries will work in close co-operation with each other.

Councillor Quinn raised issue of toilets in Borris Library not opened for use outside library hours. J. Shorthall to investigate this issue.

J. Shorthall advised that work is ongoing on 'Open Library' in Bagenalstown. It is currently at Health and Safety stage but that the issue of GDPR will have to be looked at.

Members thanked J. Shorthall for his presentation.

### **(b) Arts Progress Report**

Ms Sinead Dowling, Arts Officer presented the County Arts Office Progress report to October, 2018.

Members welcomed Take A Part Carlow a community arts initiative that makes art in the Tullow Road area of Carlow.

Members thanked S. Dowling for her presentation and queries raised by the Members were addressed by Ms. Dowling.

### **(c) Emergency Services Progress Report**

Members welcomed Building Control and Emergency Services Progress Report to the end of October, 2018 from D. McInerney, Director of Services.

D. McInerney welcomed back Alan O'Neill, Acting Chief Fire Officer following sick leave. He thanked Liam Carroll, Acting Senior Assistant Chief Fire Officer for his work during this period and acknowledged the assistance of the neighbouring counties Fire Services.

D. McInerney congratulated the following Fire Service personnel on receiving long service awards at ceremony in Dublin.

John Comerford, Station Officer, Carlow Fire Brigade (30 Years)

Michael Hogan, Station Officer, Bagenalstown Fire Brigade, (30 Years)

Frank Whelan, Driver/Mechanic, Hacketstown Fire Brigade (20 Years)

Desmond Hanley, F/F, Carlow Fire Brigade (30 Years)

Issues raised by the Members included the following:-

- Safety inspections high rise building and apartment blocks.



- Safety at Halloween - bonfires.
- Noise mapping for national roads.
- Building Control inspections.
- The future development of Bagenalstown Fire Station.
- It was suggested that fire regulations in pubs, dance venues and restaurants be carried out well in advance of the Christmas period to allow owners time to adhere to regulations in advance of the busy period.
- Storm drain - Bagenalstown Road constantly flooded.
- Anti social behaviour outside fast food restaurants late at night and if there are bye-laws in relation to the operation of these premises.
- Support for sub-contractors left without payment due to collapse of main contractors Sammon contracted by Carillion Construction to complete schools under a Public Private Partnership.
- Hacketstown Training Centre – the need to complete boundary wall of adjoining premises to provide privacy.

Issues raised by the Members were addressed by D. McInerney.

## **5. Finance, Information Technology & Culture (Libraries, Arts & County Museum)**

### **(a) Audit Committee – Report on 2017 Annual Financial Statement and Local Government Auditors Report**

P. Delaney, Head of Finance invited Mr. Peter Scully, Audit Committee Chairperson to present the Audit Committee report to Council on the 2017 Annual Financial Statement and Local Government Auditors Report.

Mr. Scully advised that the purpose of the report is to highlight areas to be brought to the attention of the Council and the Chief Executive's response.

Issues raised by the Members included the following:-

- Engaging with auditors of Carlow Arts Centre Ltd to ensure that the statutory audit is completed by 31<sup>st</sup> March of the following year.
- That it should be within the remit of the Audit Committee to comment on the Management Letter in its Section 60 report to Council. There is currently no requirement in the legislation to do

so and it was suggested that the Council write to the Department to amend the legislation to take this into consideration.

- Current status of progress on issues in relation to Carlow Eastern Relief Road.
- Powerstown Landfill and the future use of the site as a transfer station.
- Development Contributions debtors.
- Deficits on individual Capital schemes that require funding.
- Requirement to update the Fraud and Corruption Alert policy and Risk Registers.
- Tracking of internal audit issues electronically.
- Councillor McDonald raised issue of future ownership of the Sports Hall, Bagenastown, built on Council owned land for the community of Bagenalstown. Councillor McDonald queried if there was a protection clause built into the contract for this development.

All issues raised by the Members were addressed by P. Delaney and P. Scully.

- **6. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY**

- (a) Health**

Issues raised by the Members included the following:-

- Primary Health Care Centre for Tullow.
- Kelvin Grove and if the Council had made formal contact with the HSE on proposals for the site.
- Inadequate mental health services. Members requested that a letter issue to the Minister for Health to fund increased staffing levels.
- Members praised volunteers, fundraisers and all involved with bringing Carlow Hospice to fruition.
- Holy Angels in existence 40 years being accommodated in prefab buildings. Members urged the HSE to provide long promised accommodation.

- People living in substandard accommodation. Members called on the Council to eradicate substandard accommodation to benefit the health of carlow citizens.
- Members raised issue of increased number of cancer patients in County Carlow and queried if a survey has been done on the issue.

The Chief Executive advised of discussions with the HSE in relation to Kelvin Grove, that a resolution for the overall site appears possible and that there is now an opportunity for the Council to engage in discussions.

Councillor McDonald advised that health issues raised by the Members will be brought to meeting of HSE South scheduled for 20<sup>th</sup> November.

## **(b) Conference Attendance Approvals**

**Proposed by Councillor F. Browne**

**Seconded by Councillor M. Doran**

**AND**

Following a show of hands it was unanimously resolved:-

*‘That we, the Members of Carlow County Council approve the following conferences.*

Approaches in Contemporary River Management,  
Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
7th to 9th December 2018

**Fee: €100**

EU Cohesion Policy 2014 – 2020,  
Four Seasons Hotel,  
Carlingford  
Co. Louth.  
14th to 16<sup>th</sup> December 2018

**Fee: €100**

Entitlement to Health Services,  
Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
21st to 23rd December 2018

**Fee: €100**

## **7. CHIEF EXECUTIVE REPORT**

Members had for consideration Chief Executive Monthly Management Report for the period 1<sup>st</sup> to 31<sup>st</sup> October, 2018.

Issues raised by the Members included the following:-

- Funding for capital water and wastewater projects.
- LED Lighting and the issue of brightness in residential areas.
- Update on demolition of property in Dublin Street
- Details on Phase 2 of Ring a Link rural bus service.
- Requirement for Hackney service for rural transport in south Carlow.

Issues raised by the Members were addressed by the Chief Executive and D. McInerney.

## **8. CORRESPONDENCE**

**Members noted correspondence from the Department of Housing, Planning and Local Government** in response to Members' correspondence concerning income limits for social housing.

**Members noted Notice of Motion from Donegal County Council** calling on An Post and the Government to reverse the decision to close 17 Post Offices in Donegal and to also reverse the decision to close all other Post Offices across the state.

**Members noted Notice of Motion from Clare County Council** calling on the Minister for Education and Skills to recognise the role that outdoor educational centres play in the education and development of youth by funding all staff salaries of outdoor educational centres.

**Members noted correspondence from the Minister for Agriculture, Food and Marine** in relation to Vulture Funds.

**Members noted correspondence from the office of the Minister for Finance and Public Expenditure and Reform** in relation to vulture Funds.

## **8. Notices of Motion**

Fógraí Rúin/Notices of Motion.

Standing in the name of Cllr. Fergal Browne

“That Carlow County Council initiate legal proceedings against the Court Services for their abject failure to maintain and restore the Courthouse railings at Carlow Courthouse”

A lengthy discussion took place on this issue.

The Chief Executive advised that the Court Service have acknowledged that targets have not been achieved. As the Office of Public Works are responsible for the works it is dependent on the OPW resourcing the project. The Chief Executive advised that tender is at advanced stage and urged Members to defer initiating legal proceedings to allow the Chief Executive arrange meeting and response from the Office of Public Works.

Following a show of hands it was agreed to defer initiating legal proceedings to await response from the Office of Public Works. It was suggested that Councillor Browne attend arranged meeting with the OPW and the Chief Executive on the issue.

**Extension of time.**

**Proposed by Councillor F. Phelan**

**Seconded by Councillor F. Browne**

Following a show of hands it was resolved:-

*'We, the Members of Carlow County Council, in accordance with Standing Orders, approve the continuation of the meeting to 5.45 p.m.'*

Standing in the name of Cllr. Fintan Phelan

'We the Members of Carlow County Council support retaining the policy of reducing rates on ratepayers where a part of the premises is vacant. It has been a longstanding policy of the council to impose such a reduction for businesses where a room or part of a premises was not in use. Many ratepayers have agreements in place with the council regarding this spanning a number of years and it is the view of this council that they should be maintained' (c/f from October Agenda)

Councillor Phelan acknowledged and thanked RJ Clery & Co Solicitors for their legal advice on this matter. Councillor Phelan requested that rate payers be informed that they can make a revision application to the office of the Commissioner for Valuations if there is a material change to their premises. Councillor Phelan then withdrew his Notice of Motion.

P. Delaney, Head of Finance advised that in 2017 all commercial properties in County Carlow were re-valued for rating purposes by the Commissioner for Valuation. During the revaluation process all rate payers were written to on a number of occasions and given the opportunity to make representations to the Valuation Office. Following the publication of the Valuation Lists in September 2017 all rate payers

were given the opportunity to appeal to the Valuation Tribunal. In the absence of a successful appeal, Carlow County Council is legally required to calculate and issue rate demands in accordance with the revised valuation. A revision application to the office of the Commissioner for Valuations can only be made on very specific grounds which are set out in the legislation.

## **10. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH**

In response to Members' query regarding €500,000 allocation to assist in the repair of regional and local roads damaged by severe weather events D. McInerney advised that this allocation is payable when the works are complete.

Councillor Murnane raised issue of Notion of Motion passed by Laois County Council not to proceed with housing development on the Portlaoise Road, Graiguecullen. Councillor Murnane expressed the view that housing development should happen on the Portlaoise Road but not at the density proposed. Councillor Murnane queried the legality of this Notice of Motion as Laois County Development Plan states that amenities in the Graiguecullen area are provided by Carlow County Council.

The Chief Executive advised that the Council will follow up on joint meeting with Laois County Council to obtain clarity on this matter.

Councillor Doran raised issue of clearance of vegetation and silt from the River Barrow. It was acknowledged that work had been carried out in the current year upstream and downstream of Carlow Town. Cllr Doran requested that Waterways Ireland be written to and asked to provide details of plans for further similar works downstream of Carlow Town towards Leighlinbridge and Bagenalstown in 2019.

Other issues raised by the Members included:-

- Update on Town Bus Service
- Reinstatement of Roads Bagenalstown following works by Irish Water.
- Repairs to Kilcarrig bridge by Irish Rail with no improvement to bridge.
- Update on Penney's site.

Issues raised by the Members were addressed by the Chief Executive and D. McInerney.

This concluded the business of the meeting.