

COMHAIRLE CHONTAE UÍBH FHAILÍ

MINUTES OF MAY MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ÁRAS AN CHONTAE, TULLAMORE ON MONDAY, 18TH MAY 2009 AT 2.00P.M.

PRESENT: Cllrs. B. Cowen, Cathoairleach (Presiding), M. Buckley, J. Butterfield, N. Bourke, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, D. Dolan, E. Dooley, T. Feighery, E. Fitzpatrick, J. Foran, M. Fox, C. Hanniffy, F. McDonnell, T. McKeigue, T. McLoughlin, S. Moylan Ryan, P. Ormond, D. Owens.

IN ATTENDANCE: Mr. P. Gallagher, County Manager, Mr. M. Roche, D.O.S., Mr. D. Kirrane, D.O.S., Mr. S. Murray, D.O.S., Mr. F. Heslin, D.O.S., Mr. D. Conlon, H.O.F., Mr. C. McCarthy, S.E., Mr. D. Hogan, S.E., Mr. J. McGillicuddy, A.O., Mr. J. McNally, A.E., A.O., Mr. G. Bruton (A/Meetings Administrator), Ms. I. Mallin, S.O. & Ms. N. Troy, C.O.

APOLOGIES: Cllrs. G. Killally

VOTES OF CONGRATULATIONS: The members passed a Vote of Congratulations to Shane Lowry, Clara for his phenomenal achievement on winning the Irish Open and wished him success for the future.

They also extended congratulations to the Lowry and Scanlon families, The Golfing Union of Ireland and Eiscir Hills Golf Club for their contribution.

On the proposal of Cllr. D. Dolan, seconded by Cllr. E. Dooley it was agreed to hold a Civic Reception for Shane Lowry in honour of his accomplishment.

VOTES OF SYMPATHY: The members extended votes of sympathy to families of the following: -

Sarah Maye, Whitehall, Tullamore, Co Offaly on the death of her mother, Una.

Marie Whelan, Ballydaly, Tullamore, Co Offaly on the death of her mother, Nan.

Olive O'Brien, Derrygolan, Durrow, Tullamore, Co Offaly on the death of her sister, Mary.

Derrie Hayes, 6 High Street, Birr, Co Offaly on the death of her husband, Stan.

**VOTES OF
SYMPATHY(cont'd):**

Brendan Hutchinson, Cemetery Road, Crinkle, Co Offaly on the death of his father, Timmy.

Jane Flaherty, Kyle, Kinnitty, Birr, Co Offaly on the death of her father, Jack.

Mr & Mrs Liam Rowney, Newgate Cross, Mountbolus, Co Offaly on the death of his brother, Patrick.

Mrs Frances Molloy, Durrow, Tullamore, Co Offaly on the death of her nephew, Don.

The County Manager on his own behalf and on behalf of the staff of the Council joined with the members in these votes of sympathy.

**CONFIRMATION OF
MINUTES:**

The County Manager noted that there were a large number of minutes of various Council meetings to be adopted at the meeting. He noted that this reflected the number of special meetings held to discuss the County Development Plan 2009-2015 and the number of Budgetary meetings held.

On the proposal of Cllr. T. McKeigue, seconded by Cllr. E. Dooley the minutes of Offaly County Council's Monthly Meeting, held in Áras an Chontae, Tullamore on Monday, 20th April 2009 at 2.00 p.m., were confirmed.

On the proposal of Cllr. T. McLoughlin, seconded by Cllr. J. Carroll the minutes of Offaly County Council's Special Meeting, held in Áras an Chontae, Tullamore on Monday, 2nd March 2009 at 2.00 p.m., were confirmed.

On the proposal of Cllr. D. Dolan, seconded by Cllr. M. Buckley the amended minutes of Offaly County Council's Monthly Meeting, held in Áras an Chontae, Tullamore on Monday, 19th January 2009 at 3.00 p.m., were confirmed.

Cllr. N. Burke sought clarification on the minutes of the Budget Meeting held on 15th December 2008. Mr. S. Murray, D.O.S. responded and advised that Cllr Burke was in attendance at the meeting held in the afternoon of 15th December 2008 and had tendered his apologies for the meeting held on the morning of 15th December 2008.

Cllr. D. Owens sought clarification on the minutes of the Special Meeting held on 21st January 2008. Mr. S. Murray, D.O.S. responded and stated that the minute should have read that Cllr. Owens declared interest in the lands at Mountbolus (1/2 acre) and left the meeting. The amendments were proposed by Cllr. J. Butterfield and seconded by Cllr. T. McKeigue.

CONFIRMATION OF MINUTES (cont'd):

Cllr. M. Corcoran-Kennedy sought clarification on the minutes of the Special Meeting held on 29th September 2008. Mr. S. Murray, D.O.S. responded and advised that having examined contemporaneous notes of the meeting Cllr Corcoran-Kennedy had seconded the amendment in relation to Section 7 – 10 Rath.

Mr. Murray noted that he had discussed these clarifications and amendments with the Councillors concerned and they had agreed to amendments.

On the proposal of Cllr. T. McKeigue, seconded by Cllr. T. Feighery and subject to the above amendments and clarifications the following minutes were confirmed:

- Offaly County Council's Special Meetings regarding the County Development Plan 2009-2015, held in Áras an Chontae, Tullamore on 21st January 2008, 5th /15th /26th /29th September 2008 and 12th /19th January 2009;
- Offaly County Council's Budget Meetings held in committee, in Áras an Chontae, Tullamore on 8th /15th December 2008; and
- Offaly County Council's Statutory Budget Meeting held in Áras an Chontae, Tullamore on Monday 15th December 2008 at 2.00 p.m.;

NOTING OF MINUTES:

The following minutes were noted:

- Minutes of Planning & Economic Development Strategy Policy Committee held on 27th January 2009.
- Minutes of Transportation and Infrastructural SPC held on the 9th February 2009.
- Corporate Policy Group minutes held 23rd March 2009

CLARA WASTEWATER TREATMENT WORKS PHASE 2 - REPORT PREPARED PURSUANT TO SECTION 179(3) OF THE PLANNING AND DEVELOPMENT ACT 2000:

Mr. M. Roche, DOS, referred the members to the report on Clara Wastewater Treatment Works (WWTW) Phase 2, which was previously circulated. He outlined the existing WWTW, commissioned in 2005 which provided for a population equivalent (PE) of 4500, and the proposals for Phase 2 which allow for an increase in capacity to 9000PE and will include an additional stormwater holding tank, aeration tank, clarifier, sludge thickener and sludge dewatering unit including all associated pipe work, electrical and mechanical plant and site works. The works will also include sludge handling facilities and other works. He confirmed that no further development can be approved in Clara until the Clara Wastewater Treatment Works is upgraded. Mr. Roche also advised that the Ballycumber Sewerage Scheme Preliminary Report proposed to pump all sewerage from Ballycumber to the Clara WWTW which would result in an additional 750PE to the WWTW. There was one submission received.

**CLARA WASTEWATER
TREATMENT WORKS
PHASE 2 - REPORT
PREPARED PURSUANT
TO SECTION 179(3) OF
THE PLANNING AND
DEVELOPMENT ACT
2000 (cont'd):**

On the proposal of Cllr. D. Dolan, seconded by Cllr. M. Buckley the council approved to proceed with the above works.

In responding to queries Mr. Roche advised that tender documents are in preparation and will be complete by September and it is hoped construction will begin in 2010, will cost between €2 - €4 million and includes growth for Clara & Ballycumber. He stated that the disruption would be minimal as the works are only within the plant.

**DRAFT SUSTAINABLE
TIMBER PURCHASING
POLICY 2009 – 2014:**

Mr. M. Roche directed the member's attention to the Draft Sustainable Timber Purchasing Policy 2009-2014 which had been circulated with the Agenda. He briefly outlined the draft policy, which was brought forward from the Environment SPC and requires contractors to comply with regulations and supply legal timber as a condition of contract. He advised that subject to approval, a procedure will then be prepared.

On the proposal of Cllr. T. McKeigue, seconded by Cllr. J. Butterfield the council adopted the Sustainable Timber Purchasing Policy 2009-2014, as circulated.

**REVISED ROAD WORKS
PROGRAMME 2009:**

Mr. F. Heslin, D.O.S., referred the members to the revised Road Works Programme 2009 which had been agreed by the Area Committees.

The members approved the revised Road Works Programme 2009 as circulated.

**REVIEW OF TAKING IN
CHARGE
POLICY ARISING FROM
DEPARTMENT OF THE
ENVIRONMENT
CIRCULAR PD1/08:**

Mr. Frank Heslin, D.O.S., informed the members that the review was instigated in accordance with the Department of Environment, Heritage & Local Government's circular letter PD1/08 dated 26th February 2008. He advised that Planning Authorities have a legal obligation to take in charge residential developments and in January 2006 were requested to establish a policy on same, which is now required to be updated. Offaly County Council adopted a policy in July 2005 which, fortunately, only needed minor modifications.

In responding to queries Mr. Heslin stated that, in general, if an estate is finished proceedings can be initiated. He advised that the developer has 5 years to complete a development to comply with planning conditions. If the development has not been completed satisfactorily following a further 7 years, the Local Authority can then initiate enforcement proceedings. He confirmed that the maintenance of the estate remains the developer's responsibility, grass cutting is not required.

Mr. D. Kirrane, D.O.S. advised members that planning permission remains valid for 5 years and following this period enforcement notices may be issued. He noted that the developer can apply at any stage to have the estate taken in charge. The bond can be used to complete any outstanding works in the estate. He stated the bonds are set high enough to

REVIEW OF TAKING IN CHARGE POLICY ARISING FROM DEPARTMENT OF THE ENVIRONMENT CIRCULAR PD1/08 (cont'd):

give the developer the incentive to complete the works.

The Cathaoirleach, Mr. B. Cowen advised that the C.P.G. had agreed to prepare an Audit. Cllr. McDonnell requested that the Audit Report could include itemised cost to date of expenditure incurred by Offaly Local Authorities, including man hours etc. to follow up developers. The Cathaoirleach agreed to circulate the report to the members for their information.

The policy was adopted on the proposal of Cllr. D. Owens and seconded by Cllr. T. McLoughlin.

CLIMATE CHANGE STRATEGY:

Mr. M. Roche, D.O.S., referred the members to the Draft Offaly Local Authorities Climate Change Strategy 2007-2012 which had been circulated prior to the meeting. He advised that Offaly County Council (OCC) through the Environment SPC prepared the strategy in association with the Midlands Energy Agency and the OCC Green Team. He briefly outlined the strategy which is a first step in combating climate change and he advised that in order to implement national policy on a local basis, OCC plan to implement a series of measures that will result in Greenhouse Gases (GHG) reductions generated by OCC.

On the proposal of Cllr. M. Buckley, seconded by Cllr. T. McKeigue the council adopted the Draft Climate Change Strategy 2007-2012 as circulated.

IRISH FARMER'S ASSOCIATION PRESENTATION RE DUPLICATION OF INSPECTIONS:

Aidan Larkin of the I.F.A. gave a presentation to the members with regard to the duplication of farm inspections. They called on the members to support their motion "That Offaly County Council calls on the Minister to recognise that the Department of Agriculture are the only appropriate agency to carry out farm inspections; that the Council supports the IFAs view that Nitrates Directive goes far enough and that the requirements of WFD goes too far".

Following general discussion on this issue the Cathaoirleach noted that the council was supportive of the I.F.A.s position.

Mr. Roche in responding to the queries raised by the Councillors advised of the likely effects of the Water Framework Directive due to come into force in October 2009.

On the proposal of Cllr. McDonnell, seconded by Cllr. Fitzpatrick it was agreed to write to the Department of Agriculture and Department of Environment, Heritage & Local Government outlining the councils concerns on this issue.

NOTICES OF MOTION:

On the proposal of Cllr. T. McKeigue, seconded by Cllr. M. Buckley the council approved the following motion:

That Offaly County Council calls on the Minister for Energy to review the role of the Energy Regulator where by the Price that the E.S.B. are compelled to charge to both Industry and Domestic Electricity is way more than actual production costs”

On the proposal of Cllr. T. McKeigue, seconded by Cllr. M. Buckley the council approved the following motion:

“That Offaly County Council calls on the Government to reintroduce a Summer Works Scheme for Leaving Cert and College Students whereby you work six weeks or 210 hours (variable). Hourly rate of pay to be agreed.”

Cllr. M. Buckley proposed the following motion, which was seconded by Cllr. T. McKeigue and agreed:

“That Offaly Co. Council contact the Minister for Finance and the Taoiseach regarding the unfair situation which exists whereby public servants are paying on the double”

On the proposal of Cllr. M. Buckley, seconded by Cllr. T. McKeigue the council agreed to the following motion:

“That Offaly Co. Council write to the Minister for Social Welfare and Finance requesting that the cut in child benefit allowance be rescinded and that staff be redeployed to the Dept. of Social Community & Family Affairs so that claims can be dealt with in a timely manner”

Cllr. Feighery noted that he was unable to support the motion.

COMHDHÁLACHA:

There were no conferences.

COMHFREAGRAS:

On the proposal of Cllr. Carroll, seconded by Cllr. Dolan the council agreed to support the following motion raised by Carlow County Council:

“That the members of Carlow County Council call upon the Government to remove the Statutory Audit requirement from all Companies Limited by Guarantee with an annual income of less than €50,000 as the audit fee for such a Statutory Audit is an enormous financial burden on many voluntary groups struggling to survive on local fundraising efforts”

**COMHFREAGRAS
(cont'd):**

On the proposal of Cllr. McDonnell the members agreed to support the following motion raised by Killarney Town Council:

“That Killarney Town Council call on the Government to have a ‘National Carers Day’ to sit alongside other national days”.

ANY OTHER BUSINESS:

Landfill prices

Mr Dolan expressed his dissatisfaction with the increase in landfill charges by €15 or 10.3%. He considered that in today’s climate we should be trying to reduce prices and argued that this could encourage illegal dumping. He called for a national waiver system for pensioners and was supported by the other members in this regard.

In responding Mr. Roche, D.O.S. stated that OCC are very conscious of the times and endeavour to keep prices as low as possible. He confirmed that domestic charges had not been increased. He noted that the charges are based on the Polluter Pays principle and that the Council needs to recover costs.

Mr. P. Gallagher, County Manager with regard to a National Waiver System agreed that there should be a system in place through Social Welfare. He noted the Ombudsman’s review of the Waste Section and that the Minister was proposing to put a regulator in place in the sector.

Grove Street, Crinkle

Mr. J. Carroll raised an issue with regard to vacant houses in Grove Street, Crinkle.

In responding Mr. S. Murray, DOS, advised that a number options have been developed which were brought to the Housing S.P.C. and are currently being amended. He stated that the next step is to bring the amended proposal before the Area Committee for their consideration.

Local Papers – Staff Cuts

Cllr. M. Buckley raised the issue of the staff cuts in the local newspapers. She stated that the papers are very important to the locality and the Council should show its support.

**ANY OTHER BUSINESS
(cont'd):**

Annual Meeting of Offaly County Council

Mr. Murray informed the members that under Section 44 of the Local Government Act, Local Authorities are required to hold their Annual Meeting on the 14th day following an election. Therefore, it is proposed to hold the Offaly County Council's Annual Meeting on Friday 19th June at 2pm.

This proposal was agreed.

He also advised that the first monthly meeting of the new Council would be held on 20th July 2009.

Cathaoirleach, Cllr. B. Cowen paid tribute to all the staff and the Management of Offaly County Council for their assistance over term of the current council. He thanked the members for their good work. He wished them all the best of luck in the coming elections. He also thanked the media.

The County Manager, Mr. P. Gallagher thanked the members for all their work over their term in Council. He stated that it was a very productive Council, which was fastidious in the execution of their duties. He wished them all the best of luck in the coming elections.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

20TH JULY 2009