

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15th February, 2010 at 3.00p.m. in the Council Chamber, County Hall, John Street, Kilkenny.

Cathaoirleach: Cllr. Michael O' Brien

Present: Cllrs. M. H. Cavanagh, P. Millea, M. Shortall, J. Brennan, C. Connery, M. Fitzpatrick, J. Coonan, A. McGuinness, M. Brett, B. Manning, P. Cuddihy, M. Noonan, M. Doran, W. Ireland, P. Crowley, T. Maher, S. Treacy, P. O' Neill, A. Phelan, E. Aylward, A. M. Irish, F. Doherty, C. Long, T. Breathnach, P. Dunphy

Also Present: J. Crockett County Manager, J. Mulholland Director of Service, B. Mernagh Senior Engineer, M. Delahunty Senior Executive Officer, Michael Murphy Senior Executive Engineer, David Shortall Administrative Officer and Adrian Waldron Meetings Administrator.

At the outset of the meeting congratulations were sent to the following:-

- Cartoon Saloon who's studios are based in Kilkenny and having a film the Secret of Kells nominated for an academy award in the best animated feature film category. It was agreed that Tom Moore the Director and other members of Cartoon Saloon would be invited to make a presentation to a future meeting of Kilkenny County Council.
- Congratulations were offered to all those who were featured in the Bridgestone Irish Food Guide, particularly Mary McEvoy from Ballygowan, Piltown whose bakery remained in that guide as best new producer nationally .
- Congratulations were forwarded to the Castlecomer Discovery Park who received a LAMA Award as best heritage project.
- Congratulations were sent to St. Lachtains Freshford on winning the All Ireland Intermediate Club Final. A request was made for a Cathaoirleach's reception to honour the club. It was agreed that this would be considered.
- The Cathaoirleach informed the meeting that John Bryan who had been recently made President of the IFA would be invited to address the April meeting of Kilkenny County Council.
- Congratulations were sent to Shamrocks Ballyhale on reaching the All Ireland Senior Club Final.
- Congratulations were offered to Anne and Angela Downey on receiving a life time achievement award from the Irish Times/Irish Sports Council Awards.
- Congratulations were forwarded to Loreto Colleges on reaching the All Ireland Camogie Final.
- Congratulations were offered to Castlecomer Community School on winning the U.16 Colleges Basketball final and to 2 students attending that school Eoin Hennessy and Pdraig Maher who won college's handball doubles.
- Congratulations were sent to the Kilkenny Branch of Comhaltas who were in receipt of a Southern Eastern Heritage and Culture Award.
- The Cathaoirleach sent his congratulations to John Brennan in Castlecomer whose book launch he had recently attended.

The County Manager informed the meeting that Birdie Brannigan who had served for 32 years with Kilkenny County Council had recently retired and the good wishes of members were sent to Ms. Brannigan.

The Cathaoirleach noted for the meeting that this Local Authority was no longer represented on the Waterford Port Authority and he noted the confirmation of same with disappointment.

Votes of Sympathy:-

- Peggy Brophy & Family, Ballinaraha, Glenmore, Co. Kilkenny on the death of Peter Quinlan
- Mary Phelan & Family, Tullogher, Co. Kilkenny on the death of James Phelan.
- Margaret Malone & Family, Castlegannon, Mullinavat, Co. Kilkenny on the death of John Fitzpatrick.
- Alice Cass, Aylwardstown, Glenmore, Co. Kilkenny, on the death of Jack Roche.
- The Curran Family, Knockatore, The Rower, Co Kilkenny, on the death of Willie Curran.
- John Phelan & Family, Milltown, Kilmacow, Co. Kilkenny, on the death of Mary Phelan.
- Tricia Heffernan, Ballyverneen, Glenmore, Co. Kilkenny, on the death of Jim Reddy.
- Willie Kelly & Family, Farrantemple, The Rower, Co. Kilkenny on the death of Babsie Kelly.
- Joseph Dowling, Forristalstown, Glenmore, Co. Kilkenny on the death of Mary Dowling.
- Tom Reid & Family, Fahy, Kilmacow, Co. Kilkenny on the death of Gabrielle Reid.
- The Holden Family, Lickawn, Tobernabrone, Piltown, Co. Kilkenny on the death of Annie Holden.
- The Culleton Family, The Avenue, Piltown, Co. Kilkenny on the death of Michael Culleton.
- William O' Grady, Brucana, Johnstown, Via Thurles, Co. Kilkenny on the death of Lena O' Grady.
- John Love, Cloneen, Clogh, Castlecomer, Co. Kilkenny, on the death of Annie Love.
- Stella Carter, Clifden Commons, Gowran, Co. Kilkenny on the death of Charlie Carter.
- Hilda Hennessy, Blackacre, Paulstown, Co. Kilkenny on the death of John Hennessy.
- Michael Drohan, Ballykeoghan, Skeard, Kilmacow, Co. Kilkenny on the death of Lily Drohan.
- Kitty Roche, Milltown, Kilmacow, Co. Kilkenny on the death of Jack Roche.
- The Kenny Family, Rathkieran, Mooncoin, Co. Kilkenny on the death of Teresa Fielding.
- The Norris Family, Clogga, Mooncoin, Co. Kilkenny on the death of Ellen Norris.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on 15th January, 2010.

Proposed by Cllr. M. Shortall, Seconded by Cllr. M. Noonan and resolved:-
“That the minutes of Ordinary Meeting of Kilkenny County Council held on 15th January, 2010 copy of which had been circulated with the agenda be and are hereby approved”

- (b) Minutes of Thomastown Electoral Area Meeting held on Thursday 19th November, 2009.

Proposed by Cllr. P. O’ Neill, Seconded by Cllr. A. Phelan and resolved:- “That the minutes of Thomastown Electoral Area Meeting held on Thursday 19th November, 2009 copy of which had been circulated with the agenda be and are hereby approved”

- (c) Minutes of Ballyragget Area Meeting held on 21st December, 2009.

Proposed by Cllr. J. Brennan, Seconded by Cllr. P. Millea and resolved:- “That the minutes of Ballyragget Electoral Area Meeting held on 21st December, 2009 copy of which had been circulated with the agenda be and are hereby approved”

- (d) Minutes of SPC 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 3rd February, 2010.

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Cuddihy and resolved:-
“That the minutes of SPC 3 Environment Policy, Fire Services and Emergency Planning meeting held on 3rd February, 2010 copy of which had been circulated with the agenda be and are hereby approved”.

- (e) Minutes of Piltown Electoral Area Meeting held on 5th February, 2010.

Proposed by Cllr. P. Dunphy, Seconded by Cllr. C. Long and resolved:- That the minutes of Piltown Electoral Area Meeting held on 5th February, 2010 copy of which had been circulated with the agenda 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.

Housing & Other Disposal - Tithíocht & Dúscairt Eile

- (a) **Housing Disposal – Tithíocht Dúscairt**

- (i) Proposed by Cllr. S. Treacy, Seconded by Cllr. P. O’ Neill and resolved:- “That Kilkenny County Council hereby approves of the disposal of its interest in No. 12 The Greens, Jerpoint West, Thomastown, in accordance with the terms of the Housing Acts 1966 to 2002”

(b) Other Disposal - Díuscairt Eile

- (i)** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Maher and resolved:- “That Kilkenny County Council hereby approves of the disposal of its interest in land at Tomard, Milford, Co. Carlow to Brian Maher, in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001
- (ii)** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Maher and resolved;- “That Kilkenny County Council hereby approves of the disposal of its interest in land at Ashill, Horse & Jockey, Co. Tipperary to Reps of John O’ Meara, in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001”
- (iii)** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Maher and resolved: - “That Kilkenny County Council hereby approves of the disposal of its interest in land at Foulkscourt, Johnstown, Co. Kilkenny to Noel Nolan, in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001 (Notice sent to members on 4th February, 2010).

(c) Community & Enterprise - Pobal agus Fiontar

Five Year County Library Development Plan – Deferred from January.

As John McCormack was unable to attend this meeting, the matter was deferred to March.

(d) Roads – Bóithre

(i) Report on Damage to Roads due to severe weather

A report was presented to the Council by John Mulholland Director of Services in response to request expressed by members of Kilkenny County Council on the impact of the severe weather (flooding) in November 2009, ice, snow and extremely low temperatures in December 09 and January 10 on the Counties roads and drainage infrastructure. He summarised the correspondence that had taken place between Kilkenny County Council and various State Departments and noted the response to same. He summarised the costs in responding to the severe weather and outlined other information of interest to members. Following completion of this presentation a full debate took place where members explored the various options that Kilkenny County Council would explore in order to maximise their chances of receiving emergency funding and bringing their case to the various State Authorities and Ministerial Departments.

Following a number of contributions it was agreed that a resolution be sent to the Association of County & City Councillors seeking a deputation with the relevant Minister to seek funding to alleviate the costs associated to local authorities in responding to the severe weather.

It was also agreed that once a report had been prepared covering the full county, that same be referred to the Oireachtas Members for Carlow/Kilkenny in order for them to put pressure on the relevant National Agencies. It was further agreed that once this report was completed it would be referred to the various areas and revert to the March meeting.

Contributions Cllrs. P. Dunphy, T. Breathnach, T. Maher, M. H. Cavanagh, S. Treacy, M. Shortall, P. Millea, J. Brennan, P. O' Neill, A. Phelan, C. Connery, A.M. Irish, M. Doran and M. O' Brien.

J. Mulholland confirmed that funding had been received for reinstatement work for the villages affected by the road works at the N9 Motorway i.e. Stoneyford, Thomastown and Knocktopher.

(ii) 2010 Allocations from the National Roads Authority

John Mulholland outlined to members the list of allocations for 2009 which had been circulated to them in a summary form. Members contributing expressed disappointment that no funding had been allocated to Tenny Park and Ballinalee. John Mulholland confirmed that preparatory work had been done by Kilkenny County Council on both these roads and would again be including them for priority. However, he confirmed that no funding had been allocated by the NRA for those specific roads.

Contributions Cllrs. P. O' Neill, T. Maher, S. Treacy, M. Shortall, M. H. Cavanagh, J. Brennan, C. Connery, T. Breathnach, M. Brett.

(iii) M9 Phase 2 Opening

John Mulholland confirmed to the meeting that the expected date for the M9 opening from Knocktopher to Waterford City was now amended to March 22nd with the time expected to be 12noon.

(e) Water Services - Seirbhísí Slántaíochta

Kilkenny Conservation Project – progress update

A detailed presentation was made by Michael Murphy Senior Executive Engineer on the work to date and a full discussion followed. Concern was expressed regarding the amount of unaccounted for water (UFW) and the associated cost of repairing leaks for both the consumer and the local authority. The County Manager confirmed that a meeting had been held with the IFA and it had been requested to assist Kilkenny County Council by inspecting water troughs and identifying leaks. A similar meeting is to be held with the ICMSA.

He indicated that where consumers receive high bills for water usage which are due to leaks the levels of write offs will be examined on a case by case basis.

Billy Mernagh Senior Engineer confirmed that while the level of UFW had decreased or remained stable in Kilkenny City the level for UFW in the County had increased. This was due to the impact of the recent severe weather on supplies to rural areas. However, savings in UFW over the last two years had resulted in a continuous supply through the recent severe weather.

During this discussion it was confirmed that where leaks were attended to in private housing schemes, the costs will be recouped from existing bonds.

Following a brief discussion on deficiencies and poor workmanship in the water infrastructure in some private housing schemes it was agreed that a report be prepared for the next meeting on unfinished housing estates, to include the value of bonds, issues being presented, guarantees under the home bond scheme and standards required by Kilkenny County Council.

It was confirmed that the contract for Kilmacow Sewerage Scheme is in progress with an expected completion date in June/July 2010. Mooncoin Regional Water Supply Scheme's completion date is June 2010. Billy Mernagh replied to other queries from Members.

It was indicated that a reply had not yet been received from Department regarding the programme of works recently sent from Kilkenny County Council.

It was proposed by Cllr. J. Brennan, Seconded by Cllr. M. H. Cavanagh and resolved:- "That Kilkenny County Council write to the Minister for the Environment requesting that any plans to introduce domestic water charges be deferred until the relevant public water schemes have been upgraded".

Contributions Cllrs. B. Manning, T. Breathnach, J. Brennan, J. Coonan, P. Dunphy, S. Treacy, M. Doran, C. Connery, P. O' Neill, E. Aylward, P. Cuddihy, T. Maher, C. Long, T. Breathnach, J. Brennan and A.M. Irish.

(f) Corporate - Gnóthaí Corparáideacha

Nomination for Vacancy on SPC 2, Roads, Transportation, Water Services, Emergency Planning – Business and Industry Pillar – Cormac O' Sullivan, Haggard Road, Kells, Co. Kilkenny.

It was proposed by Cllr. M. Doran, Seconded by Cllr. T. Maher and resolved: - "That the nomination of Mr. Cormac O' Sullivan, Haggard Road, Kells onto SPC 2 be and is hereby agreed".

The members attention was drawn to correspondence received from the Farming Pillar giving nominations for 3 out of the 4 vacancies on Kilkenny County Council's SPC's.

It was proposed by Cllr. P. O' Neill, Seconded by Cllr. T. Maher and resolved:- "That the nominations of Elizabeth Regan, Kilpatrick Farm, Clogh, Castlecomer, John Bambrick, Mallardstown, Callan, and Michael Rice, Greenridge, Kilkenny be and are hereby agreed".

It was indicated that as Cllr. M Fitzpatrick had been nominated by Kilkenny Borough Council to the Joint Policing Committee it was appropriate to nominate Cllr. Tomas Breathnach to the County Committee.

It was proposed by Cllr. M Shortall, Seconded by Cllr. A. Phelan: - "That Cllr. T. Breathnach be nominated onto the Kilkenny County Joint Policing Committee in lieu of Cllr. M. Fitzpatrick".

3. Urgent Correspondence - Comhfhreagras Práinneach

The Cathaoirleach drew member's attention to the recently received invitation from the Kilkenny Association in New York. He outlined details of the brief visit where contact would be made with the Kilkenny Association and other industry and tourism bodies during the period in and around the St. Patricks Day Celebration.

It was proposed by Cllr. P. Cuddihy, Seconded by Cllr. A. Phelan and resolved: - "That Kilkenny County Council hereby approve the visit of Cllr. M. O' Brien Cathaoirleach Kilkenny County Council and Mr. John Mulholland Director of Services for Roads & Corporate Affairs, to New York".

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:
(a) Schedule of meetings from February - April – Agreed as per list.

It was agreed that the area meetings of Callan and Ballyragget would be arranged on receipt of information of the Non National Road Grants from the NRA.

(b) Fix date for joint briefing in committee for Kilkenny County Council and Kilkenny Borough Council to discuss issues connected with possible extension of Kilkenny Borough Boundary.

Following a full discussion on same it was agreed that a joint meeting would be held in committee, in County Hall, for members of Kilkenny County Council and Kilkenny Borough Council on Monday 1st of March from 4.00p.m. – 5.30 p.m.

Contributions Cllrs. M. O' Brien, J. Coonan, P. Millea, P. Cuddihy, C. Long, E. Aylward, P. O' Neill, M. Noonan, M. Shortall, A. Phelan, T. Breathnach.

6. Consideration of Reports and Recommendations of Committees of the Council

- Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:

(a) Report on Thomastown Electoral Area Meeting held on 19th November, 2009.

Items (i) and (ii) were deferred however, it was agreed that Item (iii) would be put before the Council.

It was proposed by Cllr. P. O' Neill, Seconded by Cllr. S. Treacy: - "That Kilkenny County Council requests the NRA to provide Grant funding to cover infrastructural works on the LP2635/LP2636 Bennettsbridge to Gowran Road".

(b) Report on Ballyragget Electoral Area Meeting held on Monday 21st December.

Deferred

(c) Report on SPC 3 Environmental Policy, Fire Services and Emergency Planning meeting held on 3rd February, 2010

Deferred

(d) Report on Piltown Electoral Area Meeting held on 5th February, 2010

It was agreed that the report on this meeting would be deferred with the exception of the following.

It was agreed that as per the proposal of Cllr. P. Dunphy which was seconded by Cllr. T. Breathnach and resolved "That Kilkenny County Council agree to invite representative from the NRA to attend a future meeting of Kilkenny County Council to discuss ongoing and future projects in the area".

Standing Orders-Deputations & Invitation to Oireachteas Members

It was agreed that a copy of Standing Orders would be issued to all Chairs of Area Electoral Meetings and SPC's with particular attention to be drawn to Section 45 which deals with the reception of deputations and section 55 – 83 which deals in particular with various committees of the County Council.

7. Other Business set forth in the Notice convening the Meeting -

Gnó Eile romhainn i bhFógra reachtála an Chruinnithe

None

8. Education & Training

Proposed by Cllr. P. O' Neill, Seconded by Cllr. T. Maher "That the schedule as circulated is hereby approved".

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

None

10. Any Other Business - Aon Ghnó Eile

It was agreed that the issue of Broadband services in the county be placed on the next agenda for SPC 2 Roads, Transportation & Infrastructure

11. Notices of Motion - Fógraí Rúin:

Deferred

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:

Deferred

This concluded the business of the meeting.

CATHAOIRLEACH

DATE