

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 19<sup>th</sup> of July 2010  
at 3.00p.m. in the Council Chamber, County Hall, John Street, Kilkenny.**

**Cathaoirleach:** Cllr. Catherine Connery

**Present:** Cllrs. P. Millea, M. Shortall, J. Brennan, 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, M. O' Brien, E. Aylward, A.M. Irish, C. Long, F. Doherty, T. Breathnach, P. Dunphy.

**Apologies:** Cllr. M.H. Cavanagh

**Also Present:** J. Crockett County Manager, J. McCormack Director of Services, S. Walton and B. Mernagh A/Directors of Services, J. Dempsey Head of Finance, M. Arthurs and A.M. Walsh Senior Executive Officers, D. Malone Senior Planner, A. Doyle Conservation Officer, C. Kelly Executive Planner, D. Shortall Administrative Officer and A. Waldron Meetings Administrator.

At the outset of the meeting votes of sympathy were passed to Cllr. Ann Phelan on the death of her father in law Kieran. A vote of sympathy was passed to Joe Reidy, Borough Councillor on the death of his brother Eamon.

A vote of sympathy was passed to the families of those who died in the recent tragic road accident in Donegal.

Members from all sides contributing joined with the Cathaoirleach in offering their sympathies to the Reidy and Phelan families and to those families in Donegal.

On behalf of the management and staff of Kilkenny County Council the County Manager joined with the votes of sympathy and offered his condolences to the Phelan and Reidy families.

A vote of sympathy was passed to the following: - The Slattery Family Willow Close, Ardnore on the death of the late Mrs. Mary Slattery.

Contributions Cllrs: - P. Cuddihy, M. Doran, C. Long, A. McGuinness and J. Coonan.

**Votes of Sympathy**

A vote of sympathy was passed to the following:-

- The Croke Family, Old Luffany, Mooncoin, Co. Kilkenny on the death of Mary Kelly.
- Betty Walsh & Family, Arlington Road, Blackthorn Hills, Ferrybank, Via Waterford, Co. Kilkenny on the death of Pat Walsh.

- Larry Gilmartin & Family, Baronswood, Mooncoin, Co. Kilkenny on the death of Simon Gilmartin.
- Sean Fitzpatrick & Family, Kilmurry Lane, Slieverue, Co. Kilkenny on the death of Lorraine Fitzpatrick.
- Mrs. Kitty Conway & Family, Ringville, Slieverue, Co. Kilkenny on the death of Patrick Conway.
- Michael Maher & Cooke Family, Ballygriffin, Carrigeen, Via Waterford, Co. Kilkenny on the death of Kitty Maher.
- Michael Slattery, 18 Willow Close, Ardnore, Kilkenny on the death of Mary Slattery.
- Michael Kelly, Castlemorris, Aghaviller, Co. Kilkenny on the death of Mary Kelly.
- John Sherrott, Ballincurragh, Gaulsmills, Kilmacow, Co. Kilkenny on death of Mrs. Sherrott.
- Rita Power, Jamestown, Glenmore, Co. Kilkenny on the death of David Power.
- Maria Mahony & Family, Viper, Kells, Co. Kilkenny on the death of Philip Mahony.
- Rose Maher & Family, Rathpatrick, Slieverue, Co. Kilkenny on the death of Sean Maher.
- Michael Doherty & Family, Kilmackevogue, Glenmore, Co. Kilkenny on the death of Marie Doherty.
- Nicholas Kelly & Family, Aylwardstown, Glenmore, Co. Kilkenny on the death of James Kelly.

It was agreed as a mark of respect the meeting would adjourn for a period of 10 minutes to resume at 3.25p.m.

Upon resumption of the meeting, the Cathaoirleach asked that in accordance with Standing Orders, and as a mark of respect to the seriousness of the business being done within this chamber that members would turn off their mobile phones during the course of Council meetings.

She took the opportunity to note the lack of signage for Kilkenny at the M9 motorway and informed the meeting that she will be writing in her capacity as Cathaoirleach to the National Roads Authority to have this matter rectified.

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

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> of June 2010  
Proposed by Cllr. M. Brett, Seconded by Cllr. J. Coonan and Resolved:- “That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> of June, 2010 copy of which had been circulated be and are hereby approved”.
- (b)** Minutes of Annual Meeting of Kilkenny County Council held on Friday 25<sup>th</sup> June, 2010  
Proposed by Cllr. T. Maher, Seconded by Cllr. A. Phelan and resolved:- “That the minutes of the Annual Meeting of Kilkenny County Council held on Friday 25<sup>th</sup> of June, 2010 copy of which had been circulated be and are hereby approved”.

- (c) Minutes of Callan Electoral Area Committee Meeting held on 7<sup>th</sup> July, 2010  
Proposed by Cllr.M. Doran, Seconded by Cllr. B. Ireland and resolved:- “That the minutes of Callan Electoral Area Meeting held on 7<sup>th</sup> July, 2010 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.**

It was agreed that item (b) Other Disposal be taken at this stage.

**(b) Other Disposal - Díuscairt Eile**

Proposed by Cllr. A. Phelan, Seconded by Cllr. B. Ireland and resolved: - “That Kilkenny County Council hereby approves of the disposal of its interest in land at Rathduff Upper, Soneyford, Co. Kilkenny to Mervyn Harper in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001”

Proposed by Cllr. A. Phelan, Seconded by Cllr. S. Treacy and resolved: - “That Kilkenny County Council hereby approves of the disposal of its interest in land at Mount Loftus, Goresbridge, Co. Kilkenny to Catherine Langton Maher, in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001”

**(a) Finance**

Council Financial Status – Update

This presentation was made by Mr. John Dempsey Head of Finance the presentation outlined the following:-

- Comparison between the operational budgets of 2010 v 2008
- Reductions for the 2009 Operational budget
- The severely reduced income as a result of collapse in development activity levels.
- It signalled the expected difficult budgetary position for 2011.
- Following this presentation, the meeting moved directly onto the next related item C

**(c) Water Services - Seirbhísí Slántaíochta**

Water Services Investment Programme 2010/2012 - Update

This presentation was presented by the County Manager Mr. Joe Crockett. The content of the presentation was as follows:-

- The assessment of needs as submitted to the Department of the Environment in October, 2009 was highlighted.
- It outlined what the requirements were under the water services investment programme for 2010/2012.

- He confirmed the significant shortfall arising from the low level of expected development levies income for water services in 2010.
- He confirmed to the meeting that the Department of the Environment had agreed deferral of local contributions for remedial action list schemes.
- These were outlined as follows:-
  - Gowran/Goresbridge/Paulstown water scheme
  - Inistioge water scheme
  - Kilkenny City Regional water
  - Mooncoin regional water scheme
  - Water conservation project

He informed the meeting of the ongoing communication with the Department of the Environment the balance of the presentation outlined the remaining projects on the water services investment programme, updating on the status of the project, total estimated cost and the net borrowing requirement. The final slide in the presentation outlines waste water treatment plan that are not part of this water services investment programme.

There followed a full debate on this issue to which most members contributed in response to queries raised and clarification sought on the content of the presentation. John Dempsey confirmed that the expected Development levies income of €600,000 for water services in 2010 is already ear marked for previous borrowing. He confirmed that a new development contribution scheme would be due in late 2011. It was agreed that commitments for the €6.5million development contribution scheme income which Kilkenny County council currently has on hand would be outlined in more detail at the September meeting.

The County Manager confirmed to the meeting that Kilkenny County Council has applied for discharge licences in respect of the waste water treatment plants from the EPA. He expected these licences would be granted subject to compliance. He wished to place on record a deferral had been granted but noted the draw down requirement from 2010-2015 which would be a budgetary commitment to the local authority during this period.

He confirmed that projects not on the list currently would be considered post 2012. He asked members to consider proceeding with these 5 projects now and revisiting the other projects on the list in September and later in the year.

It was proposed by Cllr. S. Treacy, Seconded by Cllr. P. Millea and resolved: - “That Kilkenny County Council proceed with the following prioritised Water Services Investment Projects for 2010, Gowran/Goresbridge/Paulstown Water Scheme, Thomastown/Inistioge Water Scheme, Kilkenny City Regional Water Supply Scheme, Mooncoin Regional Water Supply Scheme, Water Conservation Works”

It was proposed by Cllr. Michael O’ Brien, Seconded by Cllr. Paul Cuddihy and resolved: - “That Kilkenny County Council write to the Minister for the Environment requesting that he meet with a deputation from Kilkenny County Council outlining

the severe difficulties being faced by this authority in meeting our commitments under the water services investment programme and seeking assurances that funding would be forthcoming for meeting our commitments”

During the course of the debate the issues of sources of funding to meet Kilkenny County Council’s commitment was raised. It was agreed that this issue would be kept on the agenda and would be revisited in September.

Contributions Cllrs. A. Phelan, J. Brennan, S. Treacy, P. O’ Neill, B. Manning, M. Doran, T. Breathnach, M. Brett, M. Shortall, T. Maher, P. Dunphy, P. O’ Neill, M. Noonan, P. Millea, M. O’ Brien, S. Treacy, M. Doran.

#### Water Quality Update – Presentation

This presentation was made by Michael Arthurs Senior Executive Officer Water Services. This presentation outlined Kilkenny County Council’s approach to achieving and maintaining a safe and secure water quality supply in the county of Kilkenny. It outlined Kilkenny County Council’s steps in carrying out a water safety plan approach as recommended by the World Health Organisation. It outlined the steps taken in achieving protection at source, the treatment of drinking water, the monitoring and reporting procedures and the outcome.

Members contributing expressed satisfaction with the presentation and steps being taken by Kilkenny County Council to achieve a high standard of water quality. With regard to the issue of lime in the water particularly in the area of South Kilkenny Billy Mernagh Senior Engineer confirmed that limestone does not affect the quality of the water and that Kilkenny is similar to most of the counties in the South East is a limestone county.

He outlined reasons why Kilkenny County Council cannot soften hard water at their treatment plants because of risk to certain health groups. In response to queries raised by members at this meeting and in relation to a notice of motion from Cllr. Pat Dunphy, Mr. Mernagh confirmed that the counties within the South East region are currently developing a leaflet on the advantages of hard water and advice as to dealing with issues relating to domestic appliances.

A version of this leaflet was published recently in the Kilkenny People and Munster Express. He confirmed that mixing hard and soft waters would not be cost effective. Contributions Cllrs. M. Doran, T. Breathnach, J. Brennan, B. Manning, M. Shortall, T. Maher, P. Dunphy.

#### Proposal to takeover Drakelands Starr Group Water Scheme

Proposed by Cllr. P. Cuddihy, Seconded by Cllr. J. Coonan and resolved:- “That Kilkenny County Council take over Drakelands Starr Group Water Scheme in accordance with the report and recommendation circulated in advance of this meeting.

Proposal to takeover Ballintee Group Water Scheme  
Proposed by Cllr. M. Doran, Seconded by Cllr. P. Crowley and resolved:- “That Kilkenny County Council take over Ballintee Group Water Scheme in accordance with the report and recommendation circulated in advance of this meeting”.

**(c) Urgent Correspondence - Comhfhreagras Práinneach**

The County Manager drew members attention to the letter received from the Department of the Environment concerning that an additional €250,000 had been allocated to the Rural Water Group Schemes.

It was confirmed that an invitation had issued to Dr. Colin Quigley to attend the September meeting of Kilkenny County Council.

**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 from July - September 2010

The schedule as circulated was agreed.

John McCormack Director of Services for housing informed members that an information housing seminar was scheduled for 10.00a.m. on Tuesday the 7<sup>th</sup> of September in the Parade Tower. Further correspondence would issue regarding same.

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

**(a)** Report on Kilkenny Electoral Area Meeting held on 29<sup>th</sup> March, 2010 (deferred from June Meeting)

It was proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett: - “That the report on Kilkenny Electoral Area Meeting held on 29<sup>th</sup> March, 2010 be and is hereby agreed”.

The Chair of the committee outlined to the meeting the issues discussed at the meeting.

**(b)** Report on Callan Electoral Area Meeting held on 7<sup>th</sup> July, 2010

Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and resolved: - “That the report on Callan Electoral Area Meeting held on 7<sup>th</sup> of July, 2010 be and is hereby agreed”.

**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.  
Summary of Proceedings at Conferences have been received from  
Proposed by Cllr. P. Cuddihy, Seconded by Cllr. M. Brett and resolved.

<b>Councillor</b>	<b>Date of Conference</b>	<b>Title of Conference</b>
C. Connery	31 <sup>st</sup> April-2 <sup>nd</sup> May	Trevor/Bowen Summer School
S. Treacy	14 <sup>th</sup> -16 <sup>th</sup> May	Business Investments – Training Seminar
M.H. Cavanagh	21 <sup>st</sup> -23 <sup>rd</sup> May	“Integration of Joint Policing Committees into the existing Local Authority Structures”.
P. Millea	21 <sup>st</sup> -23 <sup>rd</sup> May	Cost of Insurance & Claims to your Local Authority
E. Aylward	28 <sup>th</sup> May	S&E Regional Assembly
P. O’ Neill	4 <sup>th</sup> -6 <sup>th</sup> June	Croke Park Deal
C. Connery	27 <sup>th</sup> May	Emerging Challenges for Leadership in Ireland today

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

None

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

In response to an issue raised by Cllr. M. Shortall, Simon Walton Senior Engineer informed the meeting that he was aware of the situation regarding the bad bend around Damerstown and had erected some signs advising extreme caution. Work to alleviate same would take place over the next few months.

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

**4(10) Cllrs. Tomas Breathnach, Ann Phelan, Marie Fitzpatrick, Maurice Shortall and Michael O’ Brien.**

Proposed by Cllr. T. Breathnach, Seconded by Cllr. A. Phelan and resolved:- “Kilkenny County Council should write to the Minister for Transport, Iarnrod Eireann and the National Transport Authority to indicate its full support for the efforts being made to ensure the retention of and, the future development of, the rail link between Waterford and Rosslare”.

In proposing this motion Cllr. Breathnach noted to the meeting that in reaching their decision Iarnrod Eireann had not taken into account the amount of freight that is coming in through this line. He further noted that this decision would contribute

towards closing the link between the South East and West of Ireland. It was further noted by members contributing that this went against the promotion of public transport and the connectivity between Waterford City which has designated gateway status and other cities in the country.

Contributions Cllrs. P. Dunphy, A.M. Irish and C. Long.

**5(10) Cllrs. Tomas Breathnach, Pat Dunphy, Cora Long, Fidelis Doherty, Anne Marie Irish and Eamon Aylward.**

Proposed by Cllr. T. Breathnach, Seconded by Cllr. P. Dunphy and resolved:-  
“Kilkenny County Council should write to the Department of the Environment, Heritage and Local Government to urge the introduction of an insurance scheme, appropriate in terms of cost and insurance cover, for all buildings included in each Authority’s Record of Protected Structures”.

During discussion on this notice of motion it was agreed that Kilkenny county Council would refer same to all other city and county councils. It was also agreed that Kilkenny County Council would refer the notice of motion to Irish Public Bodies seeking their views on this matter.

Contributions Cllrs. T. Maher and F. Doherty.

C...c to Aine Doyle.

**6(10) Cllr. Pat Dunphy**

“That Kilkenny County Council investigate the severe problem of lime in the Council water supply in Mooncoin with a view to resolving the problem that is resulting in a huge amount of damaged appliances from electric kettles to immersion heaters and causing a major expense to families”.

This notice of motion was addressed during the debate following the water quality update presentation.

**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:**

**37(10) Roscommon County Council**

“That Roscommon County Council make a submission to the Department of Environment, Heritage & Local Government requesting that a derogation be put in place to amend the criteria for exemption from rates on Child Care Centres to include private operators in line with the zero rate payment on similar community operated Child Care Centres to ensure that inequalities will not continue to exist in the early Childhood Care and Education sector”.

Noted

**38(10) Limerick County Council**

“That, Limerick County Council calls on the Minister for Finance to amend the legislation requiring Rating Authorities to demand rates from owners or subsequent



occupiers of commercial properties, for a vacant period following the departure of a previous tenant, after the date of making the rate for the year”.

Noted

**39(10) Donegal County Council**

“That this Council views Vehicle Registration Tax as an unjust tax and calls on the Government to make immediate plans for its abolition”.

Noted

**40(10) Waterford City Council**

“That Waterford City Council:

- Condemns the Israeli attack on the Gaza Freedom Flotilla’s aid mission which has resulted in deaths and injuries of those attempting to bring much needed aid to the besieged city of Gaza, which has been subject to an Israeli blockage which is illegal under international law.
- Commends those Irish Citizens who participated in this humanitarian mission to bring 10,000 tonnes of aid to the people of Gaza.
- Recognizing that this attack is an affront to international law and has endangered the lives of Irish Citizens, calls on the Irish Government to
  - Expel the Israeli Ambassador
  - Support and seek the backing of other countries for a new international aid mission to Gaza which will ensure that necessary vital supplies reach the suffering people of that besieged area”.

Noted

**41(10) Clonmel Borough Council**

“That Clonmel Borough Council calls on the Government and the Minister for Health to disband and dysfunctional Health Service Executive and that this motion be circulated to all other local authorities”.

Noted

**42(10) Galway City Council**

“That this Council informs the Department of Social & Family Affairs of the landlords who have not paid the levy to the Local Authority on their non-residential homes or those who are not registered with the Private Tenancies Board, as is the requirement and that this Council calls on the Government to include all properties in the R.A.S scheme for assessment of the €200 second home levy”.

Noted

Before concluding the meeting the Cathaoirleach thanked members for their cooperation during her first meeting and wished all Councillors well during the forthcoming summer break.

The meeting concluded at 5.50p.m

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CATHAOIRLEACH

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DATE