

**MINUTES OF MARCH MEETING OF THE COUNCIL HELD ON THE 29TH
OF MARCH 2004 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

PRESENT: Councillor Joseph Digan In the Chair

ALSO PRESENT: Councillors William Aird, John Bonham, Michael Costello, Ray Cribbin, James Daly, James Deegan, John Dunne, John Joe Fennelly, Catherine Fitzgerald, Charles Flanagan, Bill Delaney, David Goodwin, Michael Lalor, Jerry Lodge, Seamus McDonlad, P.J. Bracken, John Moran, Brendan Phelan, Martin Phelan, Michael Rice, Martin Rohan, Mary Sweeney, Michael Turley, Mary Wheatley

IN ATTENDANCE:

Messers Martin Riordan, County Manager, Louis Brennan, Director of Services, John Daly, Director of Services, Gerry Gibson, Director of Services, Peter Scully, Head of Finance, Declan Byrne, Director of Services, Ms. Carmel McNicholl, A/Senior Executive Officer, Corporate Affairs, & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs.

903. CONFIRMATION OF MINUTES

On the proposition of Councillor Raymond Cribbin seconded by Councillor Brendan Phelan, the minutes of the February meeting of Laois County Council were confirmed and signed.

904. WELCOME

On the proposition of the Mayor, the members unanimously welcomed the students from Scoil Christ Rí, Portlaoise along with their teacher, Ms. Anne Dollard.

905. VOTE OF CONGRATULATIONS

On the proposition of Councillor Mary Wheatley, it was unanimously agreed that a vote of congratulations be passed onto Mr. Richard Dormer, a native of Crettyard who has been appointed Chief of Police in the U.S.

On the proposition of the Mayor, members individually and collectively congratulated Mr. John Daly on his appointment as Director of Services in the Environment & Water Services Section. Councillor Ray Cribbin also proposed

that a vote of thanks be extended to Mr. Sean Mullins during his period as acting Director of Services in this section.

The County Manager on behalf of the Management Team joined in the sentiments expressed. Mr. Riordan, County Manager also congratulated Rena Heffernan on her appointment as Social Worker and welcomed her to Áras an Chontae.

Councillor Catherine Fitzgerald proposed a vote of congratulations to the CBS Senior Football Team on winning the Leinster Colleges Senior Football B Championships and also congratulated them on since qualifying for the All-Ireland Final.

906. VOTE OF SYMPATHY

On the proposition of the Mayor, members unanimously agreed that a vote of sympathy be extended to Councillor Charles Flanagan on the recent death of his father in law, Mr. Michael McCormack

On the proposition of the Mayor, members unanimously agreed that a vote of sympathy be extended to the Carroll family on the death of Mr. Joe Carroll, a former member of Laois County Council. The County Manager also associated himself with this vote of sympathy on behalf of all at Áras an Chontae.

On the proposition of Councillor Mary Sweeney seconded by Councillor Catherine Fitzgerald, members unanimously agreed that the meeting be adjourned for five minutes as a mark of respect to the Carroll family.

On the proposition of Councillor William Aird and unanimously agreed, members passed a vote of sympathy to the McInerney family on the death of Jack McInerney.

The County Manager on his own behalf and on behalf of the employees was associated with all votes of sympathy.

907. REVISION OF REMUNERATION

(a) On the proposition of Councillor Jerry Lodge seconded by Councillor John Joe Fennelly, members unanimously agreed to the revision of remuneration due to the second phase of benchmarking and Section 19.18 of Sustaining Progress with regard to Local Authority Veterinary Inspectors in accordance with Circular Letter E3/31/3A

(b) On the proposition of Councillor James Daly seconded by Councillor Mary Wheatley, members unanimously agreed to the revision of remuneration

due to the first phase of the increases to *General Operatives and Related Grades* (including *Waterworks and Sewerage Caretakers, Retained Firefighters and Traffic Wardens*) in accordance with Circular Letter EI 4/2004

- (c) On the proposition of Councillor John Joe Fennelly seconded by Councillor Mary Wheatley, members unanimously agreed to the revision of remuneration due to the second phase of benchmarking and Section 19.18 of *Sustaining Progress - Notional Pay Scale for Pensioners* in accordance with Circular Letter EL 03/04
- (d) On the proposition of Councillor Michael Lalor seconded by Councillor Brendan Phelan, members unanimously agreed to the revision of remuneration due to the second phase of benchmarking and Section 19.18 of *Sustaining Progress* with regard to *Senior Social Worker and Senior Housing Welfare Officer*

908. REPORTS ON STRATEGIC POLICY COMMITTEE MEETINGS & AREA MEETINGS HELD IN MARCH 2004

Members had been circulated with reports on Strategic Policy Committee & Area Committee Meetings held in March 2004 which were noted and agreed.

909. NOMINATION OF MEMBER TO COUNTY LAOIS V.E.C. DUE TO THE RESIGNATION OF COUNCILLOR CHARLES FLANGAN

On the proposition of Councillor James Deegan seconded by Councillor John Moran, members unanimously agreed that Councillor Mary Sweeney be nominated as a member of the County Laois Vocational Educational Committee to replace Councillor Charles Flanagan who had resigned.

910. PRESENTATION BY MR. DAVID GRANT, LAOIS DEVELOPMENT EDUCATION CENTRE ON FAIR-TRADE POLICY

Mr. David Grant, Laois Development Education Centre and Ms. Rebecca Emery from Oxfam Ireland were in attendance to give a presentation to members on fair trade with a view to promoting awareness of fair trade issues among Laois County Council employees and the people of Laois and also encouraging the use of fair trade goods by Council catering contractors.

The members expressed their support for the Fair trade policy. On the proposition of Councillor Jerry Lodge seconded by Councillor Mary Wheatley,

the members unanimously agreed that Laois County Council formally agree a policy on this issue and that the appropriate Strategic Policy Committee commence the process. The County Manager indicated that the issue was being addressed by employees in the canteen.

911. DECENTRALISATION OF GENERAL COUNCIL OF COUNTY COUNCILS TO PORTLAOISE

The Mayor referred to a document which had been circulated with the agenda. Mr. Louis Brennan, Director of Services advised the members that arrangements have been made to sub-lease the Council's property at the Old Mill to the General Council of County Councils. The General Council is moving headquarters from Dublin to Portlaoise. The Mayor expressed thanks to Mr. Louis Brennan, Director of Services and also the Laois County Council representatives on the General Council of Councils in particular the Chairman, Councillor Seamus McDonald for identifying and attracting this decentralisation programme. Members were advised that this project involves 4 full time jobs in Portlaoise.

The County Manager, Mr. Martin Riordan also thanked members and Laois County Council officials in responding to this opportunity. He indicated that a list is currently being compiled as to who should be contacted with a view to re-locating to Portlaoise.

912. PROPOSED AMENDMENTS TO THE FIVE YEAR PROGRAMME FOR THE ACCOMMODATION OF TRAVELLING FAMILIES IN COUNTY LAOIS 2000-2004

Members were circulated with the draft programme including amendments, which was put on display on the 16th of April 2003. A report on the submissions received was circulated to members in December 2003.

On the proposition of Councillor William Aird seconded by Councillor Catherine Fitzgerald, members unanimously agreed to adopt the Five Year Programme for the Accommodation of Travelling Families in County Laois 2000-2004.

The Members and the County Manager paid tribute to Ms. Fionnuala Daly, Senior Social Worker and staff in the housing section on the programme. On the proposition of Councillor William Aird it was unanimously agreed that thanks be extended to the Chairperson of the Consultative Committee also.

912. ADOPTION OF SPEED LIMIT BYE-LAWS 2004

Members were presented with the amendments made to each schedule of the bye-laws following discussion at the recent area meetings.

A lengthy discussion ensued during which members expressed concern regarding various areas which were not included. Mr. Michael O' Hora, Senior Executive Engineer Road Design & Mr. Gerry Gibson, Director of Services responded to the queries raised.

On the proposition of Councillor Raymond Cribbin seconded by Councillor James Daly, members agreed to adopt the Speed Limit Bye-Laws for 2004 with the following amendments:

- (i) That the 30 mph be retained at the Ballyroan Road, Abbeyleix and not increased to 40 mph as set out in the schedule
- (ii) That the 40 mph be extended to the cottages on the Portlaoise Road, Abbeyleix
- (iii) That the 40 mph be extended on the Portlaoise Road, Borris-in-Ossory beyond the Health Centre

913. FORMAL ADOPTION OF THE BYE-LAWS FOR THE REGULATION OF THE LANDSPREADING OF INDUSTRIAL ORGANIC WASTE

Members were circulated with a copy of these bye-laws which were presented to them at the October meeting of Laois County Council held on the 20th of October 2003. On the proposition of Councillor William Aird seconded by Councillor Ray Cribbin, the bye-laws for the regulation of the landspreading of industrial organic waste were formally adopted.

914. ARTS ACTS GRANTS 2004

Members were circulated with a schedule setting out the successful applicants for funding under the Arts Act Grants 2004. On the proposition of Councillor Mary Wheatley seconded by Councillor Mary Sweeney, it was unanimously agreed that the payment of these grants be made in April 2004.

915. COMMUNITY INVOLVEMENT IN ROADWORKS SCHEMES 2004

Members were circulated with a list of applications received under this scheme and on the proposition of Councillor Michael Lalor seconded by Councillor Raymond Cribbin, the Community Involvement in Roadworks Scheme for 2004 was adopted.

916. LAUNCH OF NATIONAL TRANSPORT NODE AND INLAND PORT FOR PORTLAOISE IN DUBLIN ON THE 31ST OF MARCH 2004

Mr. Louis Brennan, Director of Services indicated that this item was in relation to the interchange at Togher and that same would be launched in Jury's Hotel, Ballsbridge on the 31st of March 2004. The Mayor requested that all members attend the launch. Mr. Martin Riordan, County Manager emphasised the importance of this development from an economic point of view in promoting the County.

The members complimented and congratulated Mr. Louis Brennan, Director of Services on this project.

917. PRESENTATION BY DR. PATRICK MULHERN, ATHLONE I.T. ON THE ATHLONE INSTITUTE OF TECHNOLOGY STRATEGIC PLAN

Dr. Patrick Mulhern, Athlone I.T. was in attendance to give a presentation of the Strategic Plan for Athlone Institute of Technology for 2003 - 2008. The Mayor and County Manager expressed thanks to Dr. Mulhern on his very informative presentation.

918. WELCOME

The Mayor welcomed students from Youthreach, Mountmellick and their tutor, Ms. Audrey O' Reilly to the meeting.

919. (i) TAKING IN CHARGE OF ROCKDALE, MOUNTRATH ROAD, PORTLAOISE

On the proposition of Councillor William Aird seconded by Councillor Catherine Fitzgerald, members unanimously agreed to the taking in charge of Rockdale, Mountrath Road, Portlaoise.

(ii) TAKING IN CHARGE OF HIGHFIELD MEADOWS, BORRIS ROAD, PORTLAOISE

On the proposition of Councillor William Aird seconded by Councillor Catherine Fitzgerald, members unanimously agreed to the taking in charge of Highfield Meadows, Borris Road, Portlaoise

(iii) TAKING IN CHARGE OF THE DOWNS, STRADBALLY ROAD, PORTLAOISE

On the proposition of Councillor William Aird seconded by Councillor Catherine Fitzgerald, members unanimously agreed to the taking in charge of The Downs, Stradbally Road, Portlaoise

(iv) TAKING IN CHARGE OF LAUREL GROVE, GRAIGUECULLEN

On the proposition of Councillor Mary Wheatley seconded by Councillor James Daly, members unanimously agreed to the taking in charge of Laurel Grove, Graiguecullen

**920. (i) APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING
€3,838,992**

On the proposition of Councillor Patrick Bracken seconded by Councillor Seamus McDonald, members unanimously agreed to the raising of a loan not exceeding €3,838,992 from the Housing Finance Agency Plc., in respect of construction of 32 no. affordable housing units at Davitt Road, Acragar, Mountmellick

**(ii) APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING
€250,825**

On the proposition of Councillor Michael Costello seconded by Councillor Ray Cribbin, members unanimously agreed to the raising of a loan not exceeding €250,825 from the Housing Finance Agency Plc., in respect of construction of 2 no. affordable housing units at Ballymorris Road, Portarlinton

**921. (a) DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL
GOVERNMENT ACT, 2001**

(i) On the proposition of Councillor James Daly seconded by Councillor Mary Wheatley, members unanimously agreed to the disposal of 4.3 acres at Clonadadoran, Portlaoise in the townland of Clonadadoran to Mr. Sean Dunne, for a consideration of the exchange of a plot of land measuring 1.833 acres

(ii) On the proposition of Councillor James Daly seconded by Councillor Mary Wheatley, members unanimously agreed to the disposal of 0.80 acres at Corbally, Ballylinan in the townland of Corbally to Mr. Walter Hurley, for a consideration of €2,000.00

- (iii) On the proposition of Councillor Michael Lalor seconded by Councillor John Joe Fennelly, members unanimously agreed to the disposal of 0.50 acres at Mountrath Industrial Estate in the townland of Mountrath to Mr. Dominic Dunne, Ross, Ballyfin by way of a 500 year lease with a site fine of €48,000

**921. (b) DISPOSAL OF EQUITY PART OF SHARED OWNERSHIP
LOANS UNDER SECTION 183 OF THE LOCAL GOVERNMENT
ACT, 2001**

On the proposition of Councillor Patrick Bracken seconded by Councillor John Joe Fennelly, members unanimously agreed to the disposal of equity part of shared ownership loans under Section 183 of the Local Government Act, 2001 in respect of the following:

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| • Morgan & Antoinette Doyle, Westfield, Castletown, Co. Laois. | 610001/F |
| • Gerard & Brid O' Mahony, The Commons, Mountmellick, Co. Laois. | 610003/F |
| • Mary Maguire & Peter Dunbar, Jnr, 4 Oakley Grove, Graiguecullen | 610007/F |
| • Arthur & Teresa McDonagh, Kilminchy, Co. Laois. | 610009/F |
| • Eamon & Siobhan Baldwin, 34 Leylandi Drive, Ballylinan, Co. Laois | 610017/F |
| • James & June McEvoy, Esker, Ballyfin, Co. Laois. | 610019/F |
| • Denis & Pamela Curtin, 51 Borris Little, Portlaoise | 610026/F |
| • Bernadette O' Reilly-Holohan, Bishopswood Road, Portarlinton | 610033/F |
| • Joanne Ging & Sean McEvoy, 47 Dr. Murphy Place, Portlaoise | 610043/F |
| • Caroline Whelan, 165 St. Brigid's Place, Portlaoise | 610046/F |
| • Colm & Anne Dunne, Spa Street, Portarlinton | 610052/F |
| • Helena Styles, 119 St. Brigid's Place, Portlaoise | 610066/F |
| • Adrian Deegan & Francis Aldritt, 2 Marian Avenue, Portlaoise | 610072/F |
| • Trevor Gregory, 71 Kilnacourt Wood, Portarlinton | 610074/F |
| • Thomas Pearse, 14 Rossvale Court, Portlaoise | 610075/F |
| • Christian Scally & Lisa Delaney, 3 Elm Lawn, Portlaoise | 610081/F |
| • Kenneth Birrane & Suzanne Byrne, 37 Glenbarrow, Portlaoise | 610087/F |
| • Desmond Wade & Nicola Byrne, 56 Woodgrove Estate, Portlaoise | 610088/F |
| • Deborah Flynn, 29 Station Court, Portarlinton | 610105/F |
| • Michael Conroy & Amanda Jones, 83 The Hermitage, Portlaoise | 610110/F |
| • Kevin Brophy & Andrea Waite, 46 Erkindale Drive, Durrow | 610119/F |

922. CORRESPONDENCE

Ms. Carmel McNicholl, A/Senior Executive Officer, Corporate Affairs indicated that there was one item of correspondence with regard to the Third European Public Service Quality Conference in Rotterdam.

Members were informed that Laois County Council submitted a project which was selected to represent Ireland at this Conference in relation to a Traffic Fines System developed in-house by the ICT Department of the Council.

Congratulations was extended to all in the I.T. Section and in particular Mr. Ray Bell

923. NOTICE OF MOTIONS

Notice of Motion No. 100/04

The following Notice of Motion in the names of Councillors Michael Rice, Brendan Phelan, Raymond Cribbin, Jerry Lodge, Seamus McDonald, Mary Wheatley, John Joe Fennelly, Paddy Bracken, Bill Delaney, Martin Rohan, Mary Sweeney, Martin Phelan, David Goodwin, Michael Lalor, John Moran, James Deegan, James Daly, Charles Flanagan, William Aird, John Bonham & Michael Turley was proposed by Councillor Jerry Lodge:-

"That the Development Plan be varied to facilitate the change of zoning of lands situated at Rathbrennan and Ballyclyder, Barony of Maryborough East, County of Laois (Ordnance Map Ref: 13/7, 13/11) from agricultural zoning to mixed use zoning as part of the Laois County Development Plan 2000. This is to provide for retail/services/office and associated uses"

This motion was seconded by Councillor James Deegan. Mr. Riordan, County Manager indicated that the Council adopted an Economic Development Strategy for County Laois at its meeting held on the 16th of June 2003. This strategy pointed to major development opportunities in the area of warehousing and freight, motorway services, retail and tourist outlets at Portlaoise interchanges and pointed to the Togher Interchange as having the greatest potential.

The Council retained Braniff & Associates to evaluate the potential of three interchanges at Portlaoise, i.e. Togher, Ballydavis and Clonkeen and to identify and evaluate land zoning and servicing at the Togher Interchange.

Braniff & Associates recommended zoning of land at the interchange at Togher having regard to proper planning and sustainable development criteria.

The Council adopted a variation of the County Development Plan at its November meeting held on the 24th of November 2003 in respect of 250 acres of land at the Togher Interchange.

The Notice of Motion to now vary the Development Plan in respect of an area of 57 acres at Ballydavis is premature and is not consistent with the development of the Council's Economic Strategy at this time.

There are serious environmental and sustainable development issues in relation to a proposed development at this interchange.

A proposal to vary the Development Plan should be developed on proper planning and sustainable development criteria and any proposal to vary the Development Plan needs to be initiated, developed and evaluated accordingly.

Following discussion, the members agreed that the Notice of Motion be passed.

Notice of Motion No: 18/04

Councillor Jerry Lodge proposed the following Notice of Motion:-

"That this Council, when deciding to 'take in charge' additional roads, agrees to a policy of non-discrimination between rural and urban roads"

This motion was seconded by Councillor Catherine Fitzgerald.

Members were informed that before recommending that they be taken in charge, the process of assessment of road and services associated with developments is rigorous. The roads and services associated with any development (recent or historic) must fully comply with the current requirements and specifications.

These standards are set to maintain a proper and equal order in the works carried out and to reduce the future potential burden on the Council's resources when the owner/developer passes on the responsibility for maintenance to the Council.

The investment by the owner/developer to achieve these standards is high for these reasons.

Provided that the road structure and services are all to equal standards there will be no discrimination between rural and urban.

The members noted the position as outlined.

Notice of Motion No. 98/04

Councillor Charles Flanagan proposed the following Notice of Motion:-

"In view of the widespread public concern surrounding the introduction of electronic voting that Laois County Council request the Government not to proceed with the change in the voting system"

Due to the absence of Councillor Charles Flanagan and on the proposition of the Mayor, Councillor Joe Digan, it was agreed that this Notice of Motion be deferred to the April meeting of the Council"

Notice of Motion No. 99/04

Councillor James Deegan proposed the following Notice of Motion:-

"That Laois County Council who act as agents for the National Roads Authority ensure that all bridges traversing the new Heath Mayfield Motorway comply with all safety regulations and to issue an Engineers Report to substantiate the safety compliance"

This motion was seconded by Councillor Ray Cribbin. Members were advised that all structures on this scheme have been designed in accordance with current legislation and standards. The scheme is subject to independent safety audits at the preliminary design stage, at the detailed design stage and upon completion. The N.R.A. and Kildare County Council do not intend to issue an Engineer's Report on Safety Compliance.

This concluded the business of the meeting.

SIGNED: _____
MAYOR

CERTIFIED: _____
DIRECTOR CORPORATE AFFAIRS

DATE: _____