

**MINUTES OF MAY MEETING OF THE COUNCIL HELD ON THE 31ST OF
MAY 2004 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

PRESENT:	Councillor	Joseph Digan	In the Chair
ALSO PRESENT:	Councillors	William Aird Michael Costello James Daly John Joe Fennelly Charles Flanagan Catherine Fitzgerald Michael Lalor Seamus McDonald John Moran Martin Phelan Martin Rohan Michael Turley	John Bonham Raymond Cribbin James Deegan John Dunne Bill Delaney David Goodwin Jerry Lodge Patrick Bracken Brendan Phelan Michael Rice Mary Sweeney Mary Wheatley

IN ATTENDANCE:

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

940. SUSPENSION OF STANDING ORDERS

Councillor James Deegan proposed that Standing Orders be suspended in order that there be a response from the County Manager in relation to Notice of Motion to vary the County Development Plan for lands at Rathbrennan, Portlaoise.

The Mayor indicated that Standing Orders would not be suspended.

941. CONFIRMATION OF MINUTES

On the proposition of Councillor Martin Rohan seconded by Councillor Mary Wheatley, the minutes of the April meeting of Laois County Council held on the 26th of April 2004 were confirmed and signed.

942. REPORT ON HOUSING MAINTENANCE 2004

This item was adjourned from the April Meeting. Members were circulated with a copy of the report on Housing Maintenance 2004 and also briefed by the Director of Services for Housing, Mr. Declan Byrne.

Members expressed concern in relation to the length of time it takes to re-let houses which become vacant. Mr. Declan Byrne indicated that this is due to the fact that a large number of houses are returned to the Council in an unacceptable condition and delays the availability of houses for new tenants. During 2003 a number of houses cost between €6,000 to €20,000 before they could be re-let. Members requested that inspections should be carried out on a regular basis to prevent vandalism.

Members also expressed concern in relation to maisonettes for the elderly and requested that showers and storage heating be installed. Mr. Declan Byrne indicated that the needs of the elderly are being investigated at the moment.

Members were also advised that the tenders are being sought for the carrying out of planned maintenance.

The members unanimously complimented Mr. Declan Byrne, Director of Housing Services together with his staff on delivering housing services.

Mr. Declan Byrne, Director of Housing Services paid tribute and thanked members for their help and support of staff in the housing section.

943. WASTE MANAGEMENT UPDATE

On the proposition of the Mayor, Councillor Joe Digan, members unanimously welcomed Mr. Tom Shanahan, Senior Engineer to the Environment & Water Services Section.

This item was also adjourned from the April Meeting of the Council and members had been circulated with a report on same.

Various queries were raised and members expressed concern in relation to incineration. Mr. Martin Riordan, County Manager indicated the Waste Management Plan provides for one incinerator in the midlands region. However, there are no proposals, at present, for the provision of a thermal treatment plant in Laois. Members will be notified of any proposals, if any.

Concern was also raised in relation to illegal dumping. Members were informed that the Department of the Environment, Heritage and Local Government has recently sanctioned the appointment of three Environment Enforcement Staff who will be dedicated to tackling the problems of illegal dumping and other unauthorised waste activities. Arrangements are currently being made for their appointment.

Members requested that a public awareness exercise be done on the facilities available at the Civic Amenity Site at Kyletelisha. Mr. John Daly, Director of Services indicated that additional advertisements would be arranged to promote awareness of same.

944. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001

Members were presented with a copy of the planning report in relation to this item. It was indicated that the proposed development comprises of the erection of 1 No. Rural Dwelling in the townlands of Timahoe, O' Moore's Forest, Knockanina, Rearyvalley, Ironmills & Chapel Street, Mountmellick in the townland of Townsparks.

On the proposition of Councillor James Daly seconded by Councillor Mary Wheatley, the members unanimously agreed to proceed with Part VIII of the Local Government (Planning & Development) Regulations, 2001 in accordance with the planning report presented to the meeting, in respect of these developments.

945. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001

Members were presented with a copy of the planning report in relation to this item. It was indicated that the proposed development comprises of the provision of treatment system and associated mechanical, electrical and site works at Ballylinan Td, Ballylinan. Members were informed that it is proposed to increase the capacity of Ballylinan Sewage Treatment Works to 2,000 PE which will cater for the increased number of houses connecting to the system. It is also proposed to add facilities to the works to ensure that overflows resulting from heavy rainstorms will be eliminated.

On the proposition of Councillor Mary Wheatley seconded by Councillor Michael Lalor, the members unanimously agreed to proceed with the Part VIII of the Local Government (Planning & Development) Regulations, 2001 in accordance with the planning report presented to the meeting, in respect of this development.

946. OFFICIAL OPENING OF BALLYROAN SEWERAGE SCHEME

Mr. Joe Digan, Mayor, indicated his regret at being unable to officially open the Ballyroan Sewerage Scheme on the 28th of May 2004.

Councillor Mary Sweeney expressed her disappointment regarding same. The Mayor stated that it is hoped that a new date will be arranged to open the Scheme.

947. MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2000

Members were presented with the planning report on this item. This planning application refers for permission to develop sites and units for state run Gael Scoil and 36 houses and serviced sites for 7 dwellings, together with roads and associated development works at Ballymooney, Kilminchy, Portlaoise.

Most of the site is zoned as residential with the remaining part unzoned. The area is predominantly residential in character, therefore it is reasonable to consider the granting of a residential permission on the adjoining unzoned portion of the site. As part of the site is unzoned, a material contravention of the County Development Plan is required to enable the Planning Authority to consider deciding to grant permission in respect of the proposed development.

Members were also circulated with a copy of correspondence which had been received from the Department of Education within the last few days indicating their agreement to the re-location of the Gael Scoil.

On the proposition of Councillor William Aird seconded by Councillor Catherine Fitzgerald, members unanimously agreed to the material contravention of the County Development Plan in respect of this development.

947. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €560,000 FROM THE HOUSING FINANCE AGENCY

On the proposition of Councillor Seamus McDonald seconded by Councillor Catherine Fitzgerald, members unanimously agreed to the raising of a loan not exceeding €560,000 from the Housing Finance Agency Plc., in respect of the purchase of 4 No. Affordable Housing Units under the Part V Agreement at Kilminchy, Portlaoise.

Members were informed that the four affordable housing units consist of 4 No. 3-Bedroom Semi-Detached houses. In order to pay for the purchase of these dwellings it is necessary to raise bridging finance from the Housing Finance Agency Plc. When the houses are sold an affordable housing mortgage will have to be raised and the bridging finance redeemed.

948. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €600,000 FROM THE HOUSING FINANCE AGENCY

On the proposition of Councillor Mary Wheatley seconded by Councillor Michael Rice, members unanimously agreed to the raising of a loan not exceeding €600,000 from the Housing Finance Agency Plc., in respect of construction of 6 No. Affordable Housing Units at The Swan.

Members were advised that the 6 Affordable Housing Units consist of 6 No. 3-Bedroom Semi-Detached houses. In order to pay for the construction of these dwellings it is necessary to raise bridging finance from the Housing Finance Agency Plc. When the houses are sold an affordable housing mortgage will have to be raised and the bridging finance redeemed.

949. ANNUAL FINANCIAL STATEMENT 2003

Mr. Peter Scully, Head of Finance circulated members with a copy of the 2003 Annual Financial Statement up until the 31st of December 2003. Mr. Peter Scully, Head of Finance indicated that the accounts now include a full balance sheet incorporating all assets and liabilities. He also stated that the Council are now required to include a register of it's assets which has taken a considerable amount of time.

On the proposition of Councillor Mary Wheatley seconded by Councillor James Deegan, members unanimously agreed to the over-expenditure as set out on the Annual Financial Statement 2003 as follows. Members together with the County Manager complimented Mr. Peter Scully, Head of Finance on a very comprehensive document.

Annual Financial Statement 2003-Over-expenditure Resolution

Sub Programmes	Estimate	Out-turn	Variance
2.3 Road Traffic	131,000	180,941.25	(49,941.25)
2.8 Administration & Miscellaneous	3,824,064	4,075,889.59	(251,825.59)
3.1 Public Water Supply	2,091,463	2,123,745.20	(32,282.20)
3.2 Public Sewerage Scheme	1,170,846	1,224,220.12	(53,374.12)

3.3 Private Installations		34,296.87	(34,296.87)
3.8 Admin/Misc - Water/Sewerage	1,462,658	1,612,989.84	(150,331.84)
4.1 Land Use and Planning	83,000	154,824.73	(71,824.73)
5.2 Burial Grounds	176,500	176,664.25	(164.25)
5.8 Admin/Misc - Environmental Protection	1,315,353	1,360,705.87	(45,352.87)
6.1 Swimming Pools	116,000	116,065.44	(65.44)
6.2 Libraries	956,000	1,024,583.19	(68,583.19)
6.3 Parks ,Open Spaces ,Rec Centres	138,000	206,723.00	(68,723.00)
6.4 Other Recreation and Amenity	776,250	971,981.81	(195,731.81)
6.8 Admin/Misc - Recreation and Amenity	561,799	604,700.20	(42,901.20)
7.2 Education	1,985,428	2,281,438.54	(296,010.54)
7.8 Admin/Misc - Agric,Education,Welfare	80,067	85,584.38	(5,517.38)
8.2 Plant and Materials		1,025,312.07	(1,025,312.07)
8.5 Admin.of Justice & Consumer Prot.	511,623	552,948.26	(41,325.26)
8.8 Administration & Miscellaneous	1,227,085	1,414,247.84	(187,162.84)
8.9 Members Salaries and Expenses	744,649	782,474.03	(37,825.03)

Transfers to Capital

Integrated Housing Package	25,000.00
Footpath Fund	1,516.14
Development Plan	23,672.78
County Development Board	20,643.85
Community and Voluntary Forum	9,765.44
Recycling	30,250.00
Anti Litter Awareness	18,000.00
Swimming Pools	77,070.68
Office Accommodation	38,566.39
Benchmarking	303,150.00

950. WATER SERVICE CAPITAL INVESTMENT PROGRAMME 2004-2006

Members were circulated with a copy of Circular L6/04 dated May 7th 2004 in relation to the Water Service Capital Investment Programme 2004 - 2006. Mr. John Daly, Director of Services indicated that this circular outlines details of the capital funding available to local authorities for the improvement and expansion of the public water services infrastructure over the next three years.

A lengthy discussion ensued regarding various water schemes around the County and in particular those not included in the allocations. Mr. John Daly, Director of Services & Mr. Sean Mullins, Senior Engineer responded to the various queries.

951. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001

- (i) On the proposition of Councillor William Aird seconded by Councillor Jerry Lodge, members unanimously agreed to the disposal of 3.76 acres at Borris Road, Portlaoise in the townland of Borris Little to the Irish Prison Service, SIAC Building, Monastery Road, Clondalkin, for a consideration of €1,526,000.

Mr. Declan Byrne, Director of Housing Services indicated the Irish Prison Service require the land to provide extra security at the prison and as part of this agreement, the Irish Prison Service will be giving back 0.83 acres approx to Laois County Council for the provision of ten maisonettes. It is hoped that the €1,526,000 will be used for the refurbishment of Portlaoise Swimming Pool.

- (ii) On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, members agreed to the disposal of 1/10 acre approx at 41 Beladd, Somerville Lane, Portlaoise in the townland of Beladd for a consideration of €127.

- (iii) Councillor Bill Delaney proposed that the members agree to the disposal of 5.01 sq.m. at St. Patrick's Terrace, Borris-in-Ossory in the townland of Townsparks to the Electricity Supply Board, Fitzwilliam Street, Dublin 2, for a consideration of €1.00 (One Euro). This proposal was seconded by Councillor Mary Wheatley. However, Councillor Brendan Phelan requested that we receive a guarantee from the Electricity Supply Board that a mast would not be erected at this location. Therefore, it was agreed that the item would be deferred pending clarification from the Electricity Supply Board.

- (iv) On the proposition of Councillor Ray Cribbin seconded by Councillor Seamus McDonald, members unanimously agreed to the disposal of 0.162 acres at the junction of Link Road and Park Lane, Portarlington in the townland of Cooltederry to for a consideration of €25,000

Members were advised that for the purchase of a plot of land at the junction of Park Lane and Link Road, Portarlinton. The plot of ground is of no beneficial use to Laois County Council.

- (v) On the proposition of Councillor William Aird seconded by Councillor Brendan Phelan, members unanimously agreed to the disposal of 0.46 acres at Ballyfin Road, Portlaoise in the townland of Maryborough The Maltings, Mountmellick Road, Portlaoise, for a consideration of €1,000.

Members were informed that in September 2001, the Council agreed, by way of Section 83 Notice to dispose of 1 acre, 1 rood, 35 perches to Mr. Derek Phelan & Ms. Mary Hennessy and the waiving of lease's in connection with a substantial portion of 'The Maltings' property. The current Section 183 is to dispose of 0.46 acres the waiving of the terms and conditions of the lease's on the balance of 'The Maltings' property.

- (vi) On the proposition of Councillor Raymond Cribbin seconded by Councillor James Deegan, members unanimously agreed to the disposal of 1.47 acres approx (Sites No. 4 & 5) at Portarlinton Industrial Estate in the townland of Cooltederry by way of a 500 year lease with a site fine of €183,002.

Members were informed that Mr. Kennedy proposes the erection of a 12,500 sq.ft. unit for the manufacturing of beds. The additional employment potential is 8 - 10 persons.

- (vii) On the proposition of Councillor Michael Lalor seconded by Councillor Bill Delaney, members unanimously agreed to the disposal of 0.284 acres at Mountrath Industrial Estate in the townland of Mountrath Co. Laois by way of a 500 year lease with a site fine of €41,000.

Members were informed that Mr. Somers proposes the erection of a 6,000 sq.ft unit on the above lands arising from an expansion of his business. Additional employment potential is 10 - 15 persons.

952. AMENDMENT TO RESOLUTION OF DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001

The Council agreed to the disposal of 0.75 acres (Site 10) at Clonminam Industrial Estate by way of a Section 183 Notice at its meeting on Monday, December 15th 2003 with a site fine of €176,000. The Council's Solicitor has advised that it is now required that this land be transferred to Richard Dineen only, under the same conditions.

On the proposition of Councillor Jerry Lodge seconded by Councillor William Aird, it was agreed to the disposal of 0.75 acres (Site No. 10) at Clonminam Industrial Estate with a site fine of €176,000

953. CORRESPONDENCE

Mr. Gerry Gillen, Senior Executive Officer, Corporate Affairs indicated that there was one item of correspondence in relation to the Local Elections (Disclosure of Donations & Expenditure) Act, 1999.

Members were informed that Section 19 (E) of the Local Elections (Disclosure of Donations and Expenditure) Act 1999 required Councillors to submit a Donations Statement in respect of the year January 1st 2003 to December 31st 2003.

The Council must insert an advertisement in a local paper advising that Donation Statements are available for inspection by the public during normal office hours and this advertisement has appeared in the Leinster Express dated May 15th 2004.

954. OFFICIAL OPENING OF EXTENSION TO ÁRAS AN CHONTAE

Mr. Louis Brennan, Director of Services reminded members about the official opening of the extension of Áras an Chontae scheduled for Wednesday, June 2nd 2004 and welcomed all members to attend. He also indicated that all costs associated with the official opening were being sponsored by the Contractors & Consultants.

955. NOTICE OF MOTION - LOCAL GOVERNMENT PLANNING & DEVELOPMENT ACT 2000 - PROPOSAL FOR THE VARIATION OF THE COUNTY DEVELOPMENT PLAN 2000 OF LANDS AT RATHBRENNAN, PORTLAOISE

The Mayor indicated that Councillor James Deegan could put a question to the County Manager in relation to the proposed development at Rathbrennan, Portlaoise.

Councillor Deegan referred to the Notice of Motion passed at the March meeting of Laois County Council instructing the Council to rezone lands at Rathbrennan from agricultural use to mixed use. Councillor Deegan enquired as to why the wishes of the Councillors had not been carried out. The Manager indicated that he was aware that the Councillors had passed the Motion and in his report on the issue he said that he had concerns in relation to environmental issues and sustainable development issues relative to the proposed development and he was still of this view.

Councillor James Deegan did not accept the response and following a verbal exchange, the Mayor asked Councillor Deegan to leave the Chamber which he did.

956. NOTICE OF MOTIONS

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"

This motion was subsequently withdrawn as the Department of the Environment, Heritage and Local Government recently confirmed that the electronic voting and counting system will not be used at the polls on the 11th of June 2004

Notice of Motion No. 102/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council ask the N.R.A. to look at safety barriers for to make sure the ends does not cause a safety problem"

This motion was seconded by Councillor John Bonham. It was agreed that the matter would be referred to the N.R.A.

Notice of Motion No. 103/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council ask the Minister to try and speed up Driving Licence Test"

This motion was seconded by Councillor Jerry Lodge. It was agreed that the matter would be referred to the Minister for the Environment, Heritage & Local Government.

Notice of Motion No. 104/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council instruct the N.R.A. to complete the N7/N8 as first planned and shown to the Council.

This motion was seconded by Councillor Michael Lalor. It was agreed that the matter would be referred to the N.R.A.

Notice of Motion No. 105/04

Councillor James Deegan proposed the following Notice of Motion:-

"That the National Roads Co-Ordinator assigned by Laois County Council to oversee this Council's interests on the construction of the Heath-Mayfield by-pass give a progress report in person to this Council. This is the most important infrastructural project undertaking by this Council since the construction of the Portlaoise By-Pass and deserves to be closely monitored"

Due to the absence of Councillor James Deegan, the Mayor, Councillor Joe Digan agreed that a written reply would issue in respect of this Notice of Motion

Notice of Motion No. 106/04

Councillor James Deegan proposed the following Notice of Motion:-

"That Laois County Council hold no further meetings in-committee and that the press and public be admitted to all meetings of the Council"

Due to the absence of Councillor James Deegan, the Mayor, Councillor Joe Digan agreed that a written reply would issue in respect of this Notice of Motion.

Notice of Motion No. 107/04

Councillor John Bonham proposed the following Notice of Motion:-

"That this Council request An Post to issue a commemorative stamp to mark the 150th anniversary of the Eureka Gold Strike in Australia led by Peter Lalor (brother of James Fintan Lalor) who later went on to be an M.P. in the Australian Parliament"

This motion was seconded by Councillor John Joe Fennelly. It was agreed a request would be sent to An Post in relation to this Notice of Motion.

Notice of Motion No. 143/04

Councillors William Aird, James Deegan, David Goodwin, Mary Sweeney & James Daly proposed the following Notice of Motion:-

"That Laois County Council call on the Minister of Environment, Mr. Martin Cullen to support the submission on Nitrates Directive as presented by the Senior Executive Engineer, Mr. Charles Tweney, Environment Section, Laois County Council"

This motion was seconded by Councillor Jerry Lodge. Mr. Gerry Gillen, Senior Executive Officer, Corporate Affairs read out the following report prepared by Mr. John Daly, Director of Services.

The Nitrates Directive (91/676/EEC) was adopted in 1991 and has the objective of reducing water pollution caused or induced by nitrates from Agricultural sources and preventing further such pollution, with the primary emphasis being on the management of livestock manures and other fertilizers.

A draft Action Programme to implement the Nitrates Directive was prepared jointly by the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food in December 2003. All interested parties were requested to make submissions on this draft by the 19th of February 2004, Laois County Council made a submission on the draft document and a presentation on this submission was made to Environment & Community

Strategic Policy Committee on the 1st of March 2004. The Department of the Environment, Heritage & Local Government have confirmed that they have considered all the submissions made on the Draft Action Programme and that a revised Draft Action Programme will be issued in the coming weeks. A report will be prepared for the Environment & Community Strategic Policy Committee and the Council when the revised Draft Action Programme is received.

957. VOTE OF BEST WISHES

The Mayor, Councillor Joe Digan indicated that this was the last meeting of the current Council. He conveyed his best wishes to Councillors Martin Rohan, Charles Flanagan & John Dunne who were retiring from Laois County Council and wished them well in the future. He also paid tribute to the late Councillor Joe Dunne.

He wished all the candidates every success in the forthcoming elections.

The members individually wished each other well in the forthcoming elections and paid tribute to the outgoing members.

The Mayor also congratulated Mr. Martin Riordan on his forthcoming appointment as Kerry County Manager. He expressed thanks also to all employees in Áras an Chontae for their assistance and courtesy during his two years as Mayor of Laois County Council.

The meeting then concluded.

SIGNED: _____
MAYOR

CERTIFIED: _____
DIRECTOR CORPORATE AFFAIRS