

**MINUTES OF THE ADJOURNED APRIL MEETING OF LAOIS COUNTY COUNCIL HELD
IN ÁRAS AN CHONTAE, PORTLAOISE ON 11TH OF MAY 2009**

PRESENT:	Councillors	Tom Jacob	In the Chair
		William Aird	John Bonham
		Patrick Bracken	Raymond Cribbin
		James Daly	James Deegan
		Geraldine Delaney	John Joe Fennelly
		David Goodwin	Catherine Fitzgerald
		Laurence Kavanagh	Michael Lalor
		Jerry Lodge	Seamus McDonald
		Michael Moloney	Dick Miller
		Paul Mitchell	John Moran
		Brendan Phelan	Martin Phelan
		Michael Rice	Brian Stanley
		Mary Sweeney	John D. Turley

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, Head of Finance, John Daly, Director of Services, Ms. Anna Marie Delaney, Director of Services, Ms. Carmel McNicholl, Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary

48. CONFIRMATION OF MINUTES

On the proposition of Councillor John Joe Fennelly seconded by Councillor Michael Lalor, it was agreed that the Minutes of the March meeting held on the 31st of March 2009 as circulated be adopted and signed.

49. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 – 2007 IN RESPECT OF PROPOSED SCHEME TO CARRY OUT IMPROVEMENT WORKS TO THE R445 – DUBLIN ROAD, COLLIER'S LANE, EASTERN CIRCULAR ROUTE

The Members were circulated with the planning report on the above proposed scheme to carry out improvement works in Portlaoise to the R445 Dublin Road from Midlands Prison to Kilminchy to Collier's Lane and to the Eastern Circular Route. On the proposal of Councillor Catherine Fitzgerald seconded by Councillor Mary Sweeney, it was unanimously agreed that the proposed scheme be carried out.

The Members expressed various queries including the upgrade of the pedestrian crossing at the Killeshin Hotel, the provision of a bus shelter at the general hospital, the roundabout at Colliers Lane to facilitate the new school on the Borris Road, the entrance at Grenville, the roundabout at Fielbrook. Mr. Gerry Gibson, Director of Services responded to the queries.

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

(i) Disposal of 1.110 acres at Graigue, Rathdowney

On the proposition of Councillor John Joe Fennelly seconded by Councillor Michael Maloney, the members unanimously agreed to the disposal of 1.110 acres at Graigue, Rathdowney in the townland of Graigueadrisley to Ann Bowe, Rathdowney, Co. Laois for a consideration of €500

(ii) Disposal of one serviced residential site (No. 33)

On the proposition of Councillor Seamus McDonald seconded by Councillor Patrick Bracken, the members unanimously agreed to the disposal of one serviced residential site (No. 33) at Clonaslee, Co. Laois in the townland of Clonaslee to Neil Digan for a consideration of €48,000

(iii) Disposal of one serviced residential site (No. 34)

On the proposition of Councillor Michael Moloney seconded by Councillor Laurence Kavanagh, the members unanimously agreed to the disposal of one serviced residential site (No. 34) at Clonaslee in the townland of Clonaslee to Michael & Helena Cawley for a consideration of €16,200, the site subsidy being €31,800

(iv) Disposal of .095 acres at Clonad

On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the members unanimously agreed to the disposal of .095 acres at Clonad, Portlaoise in the townland of Clonadadoran to Mary Coss for a consideration of €500

51. TAKING IN CHARGE OF PHASE 2 'FAIRGREEN' MOUNTMELICK ROAD – DE VESCI COURT, COSBY AVENUE AND GANDON CLOSE, MOUNTMELICK ROAD, PORTLAOISE

The Members were advised that the cost of maintaining this estate, which includes lighting, lining, footpaths etc., will be in the region of €2,000.00. On the proposition of Councillor Jerry Lodge seconded by Councillor Tom Jacob, the members unanimously agreed to the taking in charge of Phase 2 'Fairgreen' Mountmellick Road – De Vesci Court, Cosby Avenue and Gandon Close, Mountmellick Road, Portlaoise

52. UPDATE ON THE IMPLEMENTATION OF THE CORPORATE PLAN 2004 – 2009

The Members were circulated with a copy of the annual progress report on the Corporate Plan 2004 – 2009. Councillor Paul Mitchell proposed the update on the plan. This proposal was seconded by Councillor Mary Sweeney.

The County Manager, Mr. Peter Carey indicated that, on an annual basis, Laois County Council are obliged to provide an update on the plan to the Members.

The Members welcomed the plan and recognised the volume of work that has been undertaken since 2004. Significant progress has been made, in particular the provision of playgrounds, new libraries and leisure centres, and the opening of the new area offices. Compliments were paid to all staff involved, both indoor and outdoor.

Concern was expressed in relation to the staff embargo and its impact on customer services. The County Manager indicated that the embargo is going to cause some difficulties. However, Mr. Carey indicated that Laois County Council will strive to maintain its standards as best it can and will be as innovative as possible. The County Manager expressed thanks to the Members for their ongoing support and acknowledged the fantastic work of the staff of Laois County Council and also thanked Ms. Carmel McNicholl, S.E.O., in the preparation of the Corporate Plan update.

53. DRAFT ANNUAL REPORT 2008

The Members were circulated with a copy of the draft Annual Report for 2008 and this was proposed by Councillor James Deegan and seconded by Councillor Paul Mitchell.

Councillor James Deegan raised the concerns of the Members in relation to the recent announcement of the importation of German rail sleepers by Irish Rail to Portlaoise. The sleepers can be manufactured in Portlaoise by a skilled workforce at the Portlaoise Sleeper Factory at a cost of €60 each with minimal transport and environmental costs and transported by rail to where they are required. Instead Irish Rail has outsourced this and has ordered 100,000 sleepers from Germany to be delivered over a three year period at a cost of €95. The workforce at this Company has been reduced from 160 employees to 17. Councillor Deegan proposed that this Council put forward a motion to reverse its decision and to source its produce locally for which there is a skilled workforce. This proposal was seconded by Councillor Catherine Fitzgerald. It was agreed that the matter be referred to the Minister for Enterprise, Trade & Employment. Councillor William Aird proposed that the Minister for Transport should be contacted immediately and asked to brief the Members at the next meeting. This proposal was seconded by Councillor Brian Stanley. Councillor John Joe Fennelly proposed that the Chairman of Irish Rail also be invited to attend.

54. ARTS ACTS GRANTS 2009

The Members were circulated with a list of the Arts Acts Grants for 2009. On the proposition of Councillor Tom Jacob seconded by Councillor Mary Sweeney, the members unanimously agreed to the awarding of the grants for 2009.

The Members complimented Ms. Muireann Ní Chonaill, Arts Officer and the staff of the Arts Office for the wonderful work which is being done through the Arts. The County Manager also complimented Muireann and her staff and also acknowledged the support of the Members. Muireann also indicated that the Arts Office and the Laois School of Music appreciate the support of the Management Team and the Members.

55. ADOPTION OF WATER POLLUTION (REGULATION OF LAND APPLICATION OF INDUSTRIAL ORGANIC WASTE)(AMENDED) BYE-LAWS 2008

The Members were circulated with a copy of the bye-laws. Councillor John Bonham as Chairperson of the Environment Strategic Policy Committee indicated that the Water Pollution (Regulation of Land Application of Industrial Organic Waste) (Amended) Bye-Laws 2009 alter the provision of the 2004 bye-laws. Councillor James Deegan proposed that the Water Pollution (Regulation of Land Application of Industrial Organic Waste)(Amended) Bye-Laws be adopted. This proposal was seconded by Councillor John Bonham. The Members expressed concern in relation to taking sludge from outside of the County. Mr. John Daly, Director of Services indicated that before sludge is spread on any land a Nutrient Management Plan must be submitted. Mr. John Gavin, Senior Executive Engineer also replied to queries raised. Following a discussion it was agreed that the draft bye –laws be referred back to the Environment & Water Services Strategic Policy Committee for further discussion.

56. ADOPTION OF REVISED ROADS PROGRAMME

The Members were circulated with a copy of the 2009 Roadworks Programme as revised and this was noted and agreed.

57. CORRESPONDENCE

The Members were circulated with correspondence detailing the 2009 capital allocations for Disabled Persons and Essential Repairs Grants Schemes and also the 2009 allocations for the Social Housing Investment Programme. Ms. Anna Marie Delaney, Director of Services for Housing briefed the Members on the details outlined in the Circular and the allocations. The Members welcomed the allocations for the grants and indicated that contractors should be asked to re-submit quotations for the applications on hand.

The expenditure to date in 2009 on grants is €724,000 and there is an additional 42 applications approved in the sum of €370,000.

The Members were circulated with one item of correspondence from the Tánaiste and Office of the Minister for Enterprise, Trade & Employment in response to Notice of Motion No: 04/09 which was discussed at the February meeting.

58. NOTICE OF MOTIONS

Notice of Motion No: 15/09 – Councillor William Aird

Councillor William Aird proposed the following Notice of Motion:-

“That Laois County Council calls on the Minister for Health, Mary Harney and the H.S.E. Chief, Brendan Drumm, to immediately reverse their decision to delay the development of the Cystic Fibrosis unit at St. Vincent’s Hospital, Dublin”

This motion was seconded by Councillor Martin Phelan. It was agreed that a letter issue to the Minister in this regard.

Notice of Motion No: 16/09 – Councillor Martin Phelan

Councillor Martin Phelan proposed the following Notice of Motion:-

“That this Council call on the N.R.A. to re-instate all graded junctions which were promised to Laois during the planning of motorway M7/M8”

This motion was seconded by Councillor Brendan Phelan. The Members were informed that following a detailed oral hearing it was An Bord Pleanála who decided on the final scheme and the final number of junctions. The PPP Company is implementing the board’s decision.

Notice of Motion No: 17/09 – Councillor Martin Phelan

Councillor Martin Phelan proposed the following Notice of Motion:-

“That this Council call on the Minister to introduce postal codes for all of the County as soon as possible it is very important to have the postal code for use of sat navs”

This motion was seconded by Councillor Michael Lalor. It was agreed that a letter would issue in this regard to the Minister.

Notice of Motion No: 18/09 – Councillor Martin Phelan

Councillor Martin Phelan proposed the following Notice of Motion:-

“That this Council put extra Road Maintenance staff in the Borris area during the construction of the M7/M8 motorway – most roads are in a poor state of repair caused by construction traffic”

This motion was seconded by Councillor Michael Lalor. The Members were informed that the situation with regard to road maintenance staff is dependant upon monetary allocations. It will necessitate flexibility in development and allocation of resources to where the budget is.

Councillor Martin Phelan requested that a health and safety audit of roads in this area be carried out. Mr. Gerry Gibson, Director of Services indicated that this matter is under constant review at area level.

Notice of Motion No: 19/09 – Councillor John Moran

Councillor John Moran proposed the following Notice of Motion:-

“That Laois County Council reject the establishment of a second on-farm inspection, under the nitrates regulations and the Water Framework Directive as a wasteful and unacceptable burden on farmers and an unnecessary cost that County Councils can ill afford. This compliance and on-farm inspection work is already being carried out competently by a qualified Department of Agriculture inspectorate”

This motion was seconded by Councillor William Aird. Laois County Council are obliged under Article 30 (1) and (2) of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 to carry out or cause to be carried out monitoring of surface and groundwaters and to carry out farm inspections within it's functional area. Similar obligations were placed on Laois County Council under previous regulations replaced by the 2009 regulations.

Laois County Council has been carrying out these farm inspections for a number of years and is grateful to the farming community for their assistance. The inspections carried out by the Council focus on the management of farmyards particularly the management of slurries, silage effluent, dairy washings and other potential polluting substances. Inspections carried out by other Government Departments and Agencies may focus on other aspects of modern farming unrelated to pollution of surface or groundwaters. The Council view these inspections as a very important tool in meeting it's obligations to achieve the objectives of the Water Framework Directive.

Where the Council finds a farm where there is a problem the Council have in the past issued a warning letter explaining to the farmer that a problem exists and requesting him to carry out works to rectify the situation. In the vast majority of cases the matter has been resolved quickly by the farmer. In other isolated instances the Council has been obliged to issue a statutory notice to farmer where warning letters are ignored. Under the aforementioned regulations, which came into effect on the 31st of March 2009, it is a duty of the Council to inform the Department of Agriculture, Fisheries and Food of instances of non-compliances with the regulations where they come to the attention of the Council.

Notice of Motion No: 20/09

Councillor Tom Jacob proposed the following Notice of Motion

“That this Council call on I.D.A./Enterprise Ireland to support local indigenous industries in County Laois”

Councillor John Bonham seconded the motion

Councillor Tom Jacob discussed the issue of job creation and the possibility of the E.S.B. locating in Portlaoise. It was agreed that Mr. Padraig McManus, C.E.O. be contacted with a view to attending the May meeting of the Council to discuss proposals for job creation.

54. ANY OTHER BUSINESS

Councillor Ray Cribbin raised concerns in relation to the non-payment of local contractors by developers with which Laois County Council have contractual arrangements and whether monies could be offset to assist the local contractors.

The County Manager responded and indicated that in relation to Part Vs there is a legal binding contract and Laois County Council could not enforce additional conditions such as those proposed.

Ms. Carmel McNicholl, S.E.O., informed members that a mass would be celebrated at 4.00 p.m. following the business of the May meeting scheduled for the 25th of May 2009 to mark the final meeting of the current Council and to commemorate the members of Laois County Council who passed away during this term.

This concluded the business of the meeting.

Signed:

Cathaoirleach

Director of Corporate Affairs

