



Miontuairiscí / Meeting Minutes

Ordinary Meeting 2nd September, 2013, Council Chamber

An Cathaoirleach, Councillor John V. Farrelly presided.

Members Present:

Councillors Joe Bonner, Sirena Campbell, William Carey, Shane Cassells, Eugene Cassidy, Francis Deane, Ann Dillon-Gallagher, Jimmy Fegan, Brian Fitzgerald, Joe Fox, Oliver Fox, Wayne Harding, Jim Holloway, Eoin Holmes, Suzanne Jamal, Arian Keogan, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Gerry O'Connor, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

Apologies: Jimmy Cudden

Officials in Attendance:

County Manager: Jackie Maguire

Directors of Service: Kevin Stewart, Fiona Lawless, Des Foley, Joe Fahy.

Meetings Administrator: Shane Donnelly

Senior Executive Officers: Larry Whelan

Planning Staff: Pat Gallagher, Senior Planner, Fiona Redmond, Caroline Power

Water Services: Gerry Boyle, Aphra Leavy

1.0 Confirmation of Minutes

1.1 Confirmation of minutes of Annual meeting held on 1st July 2013.

The minutes of the Annual meeting held on 1st July 2013, were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Noel Leonard**.

1.2 Confirmation of minutes of Ordinary meeting held on 1st July, 2013.

The minutes of ordinary meeting held on 1st July 2013, were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Gerry O' Connor**.

2.0 Matters arising from the Minutes

No matters arising

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- Brendan Fulham, Housing Department on the death of his mother-in-law Jean McFadden.
- Larry Whelan, Environment, and Jean Whelan, Corporate Services on the death of their brother/brother-in-law, Martin Whelan.



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- Mary Gibney, Finance, and Jim Gibney, Planning/Strategic Infrastructure on the death of their mother/mother-in-law, Bridget Morrisroe.
- Sandra Dixon, Housing, on the death of her father, Lar Dixon.
- Orlagh Meade, Motor Tax, on the death of her mother, Marie Meade.
- Cianan Gallagher, Planning Department, on the death of his father-in-law, Pat Conlon.
- The family of the late Seamus Heaney, Poet and Nobel Laureate.

Congratulations were extended to:

- Aoife Kennedy, Tara, and Ellen Bonner, Ashbourne (daughter of Cllr. Joe Bonner) who have been selected for the cast of Riverdance.
- James Scully, paralympic swimmer on winning two gold medals at the World Championships in Copenhagen.

4.0 Disposal of Land in accordance with Statutory Notices circulated pursuant to the provisions of Section 183 of the Local Government Act, 2001

5.0 Statutory Business

5.1 Corporate Services

5.1.1 To receive and note Annual Report 2012. (Report sent by email)

Received and noted on the proposal of **Councillor Maria Murphy** and seconded by **Councillor Eugene Cassidy**.

5.1.2 To receive and consider 2012 Annual Review Report in respect of the performance of the County Meath Joint Policing Committee. (Report sent by email)

Noted on the proposal of **Councillor Gerry O' Connor** and seconded by **Councillor Francis Deane**. It was also noted that the next JPC public meeting will take place at the Cunningham Arms Hotel, Slane on Wednesday 25th September, at 8.00p.m.

5.2 Planning

5.2.1 To consider the Draft Trim Development Plan 2014-2020 and the Manager's Report on motions to amend the Draft Plan and to resolve to place the Draft Trim Development Plan 2014-2020 on display subject to any further amendment that the members consider necessary in accordance with Section 11 of the Planning & Development Acts 2000-2013. (Report to be circulated)

Kevin Stewart, Director of Services, advised that the Draft Plan had been considered at two separate workshops by Trim Area Members and the Trim Town Council Members, and that it had been unanimously resolved to put on public display.



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Approved on the proposal of **Councillor Willie Carey** and seconded by **Councillor Francis Deane**.

5.3 Finance

- 5.3.1 To receive the Statutory Audit Report for year ended 31st December, 2012.
Received and noted on the proposal of **Councillor Jim Holloway** and seconded by **Councillor Maria Murphy**.
- 5.3.2 To approve the raising of a loan of €1,200,000 from the HFA to finance approved Housing Loan applications, authorised by the Housing Acts 1966-1992.
The County Manager advised the meeting regarding the purpose of the loan and it was approved on the proposal of **Councillor Jim Holloway** and seconded by **Councillor Maria Murphy**.
- 5.3.3. To receive Half Year Financial Update.
Fiona Lawless, Head of Finance, provided an update and referred to the half yearly statement included in Councillors' packs. It was noted that, up to the end of June, the Council's finances were stable and on budget, and both income and expenditure were being closely monitored.

5.4 Water Services

- 5.4.1 To receive an update on Irish Water.
The County Manager advised that an update had been issued to Councillors and that the installation of meters would commence in Navan on 16th September.
Councillor Killian raised the matter of local employment opportunities on the project.
The County Manager responded and stated that one main contractor had been appointed. She advised that further details regarding positions of employment would be obtained for the Councillors.
Concerns were raised regarding the quality of work that will be done by contractors as part of the meter installation process.
The County Manager informed that criteria on work methods had been laid down within the contract between Irish Water and the contractor, and that protocols were established between the Local Government Sector and Irish Water. It was also noted that there would be supervision of works by Irish Water and ongoing communications between the Council and Irish Water.
- 5.4.2 To receive a presentation on Water Treatment in Co. Meath.

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Aphra Leavy, Water Services Department, made the presentation, which included information on:

- The nature of public water supply.
- Water treatment Plants.
- Water treatment process – screening, clarification & filtration, disinfection, fluoridation.
- Water Quality Monitoring
- Complaints' Procedures
- Quality Compliance Rates

Following the presentation, issues were raised regarding flushing at water treatment plants and the effects of lime and magnesium on household equipment.

Explanations were provided on both matters and Councillors were informed that they could arrange to meet the Water Services Department for more detailed technical information, should they wish to do so. **Councillor Tommy Reilly** expressed disappointment that the HSE was not in a position to come to the meeting. It was agreed that another request would be made to the HSE to make a presentation to the Council on the matter of fluoridation.

5.5 Transportation

5.5.1 To consider any objections/representations made to the proposal to extinguish the Public Right of Way on a section of Regional Road R150 and if thought fit to resolve to make an Order extinguishing the public Right of Way on the section of Regional Road R150 in the townland of Flemingstown, Curtis Cross, Navan, Co. Meath.

Approved on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Jim Holloway**.

5.5.2 To resolve to enter into an Agreement in the terms set out with Drogheda Borough Council pursuant to Section 85 of the Local Government Act 2001, whereby Meath County Council will exercise the statutory powers, functions and duties of Drogheda Borough Council in relation to the carrying out of works to the section of Drogheda Ramparts leading from St. Dominic's Park to the boundary between Drogheda Borough Council and Meath County Council as part of the Boyne Greenway Scheme, which is described in the Schedule to the Agreement and to affix the Seal of the Council to the said agreement.

Resolved to enter into an Agreement in the terms set out with Drogheda Borough Council on the proposal of **Councillor Ann Dillon-Gallagher** and seconded by **Councillor Eoin Holmes**.

5.6 Environment



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- 5.6.1 To consider and approve the Amenity and Lawnmower Grants 2013 agreed by the Navan, Slane, Kells, Dunshaughlin and Trim electoral area members.

Approved on the proposal of **Councillor Ann Dillon-Gallagher** and seconded by **Councillor Noel Leonard**.

6.0 Report from Protocol Committee

The Meetings' Administrator informed that the Protocol Committee agreed to propose to the full Council that a presentation would be made to John Coyle, at 1.30p.m. in advance of the October meeting, in recognition of his success as a member of the Irish tug of war team at the October meeting. Agreed on the proposal of **Councillor Willie Carey** and seconded by **Councillor Ann Dillon-Gallagher**.

7.0 Correspondence

- 7.1 Polling Day Order for the Abolition of Seanad Éireann (32nd Amendment) and the Court of Appeal (33rd Amendment) referendums.

Noted

- 7.2 Correspondence from Office of the Minister for Jobs, Enterprise and Innovation (*In response to Notice of Motion passed at the June Monthly Meeting*).

Noted.

Councillor Shane Cassells asked if a response had been received from the Office of the Minister for Jobs, Enterprise and Innovation regarding a motion adopted by the Council in December 2012, requesting a meeting with the Minister regarding economic development in Meath. It was agreed that a further reminder would be issued.

- 7.3 Correspondence from Eirgrid re. North-South 400kV Interconnection Development.

Councillor Fitzgerald suggested writing to Eirgrid requesting a deferral of the submission of their SID application to An Bord Pleanála, pending a meeting with the Council. It was agreed that The County Manager would arrange to meet with Eirgrid.

8.0 Notice of Question

- 8.1 Submitted by Councillor Francis Deane
"Can the Manager confirm if there is a Restoration and Aftercare Plan in place in respect of the Knockharley Landfill Site Kentstown, also what type

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of financial security is in place and how it impacts on the Receivership process for the Greenstar Company.”

A response was provided by Larry Whelan, Senior Executive Officer, Environment, as follows:

The operations at the Knockharley Landfill are the subject of a Waste Licence Reference No. WO-146-01 granted by the Environmental Protection Agency (EPA) in March 2002. The Licence is subject to conditions including Condition 4 which required the submission to the Agency for its agreement of a detailed Restoration and Aftercare Plan and prepared in accordance with the Agency's Landfill Manual on Landfill Restoration and Aftercare. It is confirmed that this condition was complied with. The EPA Licence was also subject to conditions providing for adequate financial provisions being put in place for Closure, Restoration and Aftercare of the facility and for prevention of environmental damage and in this regard it is confirmed that a Bank Guarantee has been put in place and submitted to the EPA. In compliance with the Licence condition a fully costed Environmental Liabilities Risk Assessment was completed for the facility. A further financial condition of the Licence provided that in accordance with the Waste Management Acts 1996 to 2010 the licensee shall ensure the costs involved in the setting up and operation of the facility as well as the costs of closure and aftercare (including cost of provision of financial security) for a period of at least 30 years post closure shall be covered by the price to be charged for disposal of waste at the facility. . The Company confirmed that the gate fee for the disposal of waste includes financial provision for the closure, restoration and aftercare of the site. In addition to the financial conditions included in the EPA Licence for the facility, the Planning Permission for the development under ref No.ABP.PL17.125891 (01/5006) provided for payment of separate cash deposits to the Council in respect of water supplies and landscaping issues and both such amounts have been paid. As the Members may be aware a Receiver was appointed to Greenstar in August 2012 and since that time Council Officials have had a number of meetings with Representatives of Greenstar North East (company operating post Receivership) and specifically in respect of payments due under Community Levy and Landfill Levy planning conditions and further such meetings are planned. The Receiver was kept informed by the Council of the situation in respect of payments of such funds. It is understood that the Receivership process is at an advanced stage and with an agreement reached with a purchaser for the Company, and negotiations in this regard involved discussions with various parties including the EPA and covering inter alia the Restoration and Aftercare Plan and the financial security for same. The Council await confirmation as to developments relating to the Receivership process.

8.2 Submitted by Councillor Shane Cassells

“Can the Manager please provide Members with an update on when the work on the Mound of the Hostages at the Hill of Tara, which has been going on for some 20 months, will be completed, and when will the railings encasing the mound be removed to allow the public full access again to this national monument?”

A response was provided by Kevin Stewart, Director of Services, Planning & Transportation, as follows:

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The Council's Heritage Officer has been advised by the OPW (Office of Public Works), who are responsible for overseeing the conservation works at the Mound of the Hostages, that the works have been completed. They are currently waiting for the Mound to re-vegetate, which, once completed, will allow for the protective railing to be taken down. A further site inspection will take place in early September to determine when this will happen.

8.3 Submitted by Councillor Jim Holloway

"In the context of the programme of work having been agreed upon by way of contract to have water meters installed in County Meath, what if any arrangements are in place to ensure that in a situation where it becomes evident the water line to which the meter is to be attached has not been laid to the required depth, to have the matter rectified and the Local Authority notified of this?"

A response was provided by Larry Whelan, Senior Executive Officer, Environment, as follows:

The responsibility for the installation of water meters countrywide rests with Irish Water and this process commenced on a phased basis in August 2013.

In respect of the connection of the service pipe to the meter, Irish Water have pointed out that in accordance with a publication issued by the Department of the Environment, Heritage and Local Government in 1998 the recommended cover to the service pipe should not be less than 60cm or 600mm.

Irish Water have advised that it is not within their scope to rectify any service connections that are not laid at the required depth, however they will construct them locally to provide adequate cover to connect to the base of the boundary boxes within which the meters will be contained. If the pipe is coming in at a higher level it will be lowered to 60 cm/ 600mm. Irish Water also point out that the boundary boxes are sealed and include a frost plug.

8.4 Submitted by Councillor Bryan Reilly

Can the Manager answer the following in relation to O'Carolan Crescent, Carlanstown, Kells Co Meath?

1(A) What is this Council's position / future intention regarding un-sold private sites?

(B) What is this Council's position/ intention regarding safety precautions on

these sites and also on-going position regarding grass cutting, security

fencing etc?

(C) Is it this Council's Intention to advertise these sites for sale and when?

2. What is this Council's position In relation to private sites, which have been sold and where some building works commenced, now left derelict resulting in serious health and safety issues, infestation and dumping.



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A response was provided by Brendan Fulham, Administrative Officer, Housing, as follows:

(A) What is this Council's position / future intention regarding un-sold private sites?

A total of 15 serviced sites were provided for building purposes in Carlanstown under Section 57 of the Housing Act, 1966. There are three serviced sites that remain unsold. It is the Council's intention to sell these sites at current market value. Priority will be given to applicants with a local need.

(B) What is this council's position/ intention regarding safety precautions on these sites and also on-going position regarding grass cutting, security fencing etc?

A comprehensive Report has recently been prepared for the fencing of all Housing Lands in the ownership of the Council including the three vacant sites in Carlanstown. It is the Council's intention to securely fence these three sites at an estimated cost of €11,960 plus V.A.T. However, these works are subject to the necessary funding being made available.

It is not the Council's intention to maintain these sites on an ongoing basis.

(C) Is it this council's intention to advertise these sites for sale and when?

These sites are for sale on the open market since 2010 and have been advertised on the Council's website since then. There has been very little interest from prospective purchasers.

2. What is this Council's position in relation to private sites which have been sold and where some building works commenced, now left derelict resulting in serious health and safety issues, infestation and dumping".

This site is in private ownership and the Council has been in recent contact with the owner with regard to compliance with the building covenant.

Councillor Bryan Reilly sought further clarification re Question 2 and this was provided by Joe Fahy, A/Director of Services.

8.5 Submitted by Councillor Gerry O'Connor

"In light of significant debate on the merits and potential concerns with water fluoridation, that the Council provide a report on best practice in this area nationally and internationally, and address any potential concerns with the ongoing policy of fluoridation."

A response was provided by Larry Whelan, Senior Executive Officer, Environment, as follows:

The issue of the Fluoridation of Water was the subject of a previous Notice of Motion at the June 2013 Meeting of the Council and I attach for the Members assistance a copy of the report which issued in response to that Motion. For the



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Members benefit this report was accompanied by position papers prepared by groups / individuals opposed to the practice of fluoridation and also a publication prepared by The Expert Body on Fluorides and Health which highlights beneficial aspects associated with this practice. You will note the report also lists a number of web site addresses which contain vast amounts of information in relation to Water Fluoridation and designed to ensure the Members are informed of the differing views expressed in respect of this issue. The report sets out the Statutory position in relation to the Fluoridation which Local Authorities and the HSE must comply with, and while this position has not changed it is pointed out that Fluoridation of Water is currently the subject of a Bill before the Dail (Health Fluoridation of Water Supplies Repeal Bill.) It is also pointed out that the statutory obligation for provision of water supplies will transfer to Irish Water from 1st January 2014 and it is suggested that the Fluoridation issue will be one for consideration by that Body going forward.

9.0 Notice of Motion

9.1 Submitted by Councillor William Carey

“That Meath Co. Council call on the Department of Education and Skills to update the 2004 survey of Post Primary School needs along N 4 in Meath and Kildare as a matter of extreme urgency. This survey correctly stated that Enfield would need a 650 pupil school by 2008 and that need has long been surpassed. This need was also highlighted in July 2011 by a submission to the Meath Co. Development Plan by Co Kildare V. E. C. and the provision of a Post Primary school in Enfield is an objective of the current County Development Plan.”

The motion was proposed by **Councillor Willie Carey** and seconded by **Councillor Joe Fox**. Following a short debate the motion was unanimously adopted.

9.2 Submitted by Councillor Tracy McElhinney

“As part of the campaign to ensure that the perspectives and fears of rural families are addressed, I am calling on this Council to write to the Joint Oireachtas Committee on Energy and Natural Resources to hold public hearings on the new statutory wind energy guidelines, which are being published later this year. It is vital that all voices are heard, particularly those of rural families who will have to live with any wind farms that are built, not to mention the impact on the landscape as a visual and tourist amenity.”

The motion was proposed by **Councillor Tracy McElhinney** and seconded by **Councillor Niamh McGowan**. Following a lengthy debate the motion was unanimously adopted.

9.3 Submitted by Kells Electoral Area Committee

“That the budget allocated in 2014 for Road Maintenance and Restoration be apportioned to the length and condition of roads within each Area.”

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The motion was proposed by **Councillor Eugene Cassidy** and seconded by **Councillor Bryan Reilly**.

A response was provided by Joe Fahy, A/Director of Services as follows:
It is becoming extremely difficult to provide the standard of service on our entire road network with the current level of funding available. The Local roads, particularly Class 2 and 3 roads are very vulnerable in this context. The Council must strive to maintain as many of the strategic regional and local roads in the highest Condition Rating as is reasonably possible. The current distribution of available funding seeks to acknowledge this, whilst also acknowledging the particular case that exists in North Meath where there is a high percentage of Class 2 and 3 Local Roads. It is recommended that the current system of distributing the available funding across the 5 electoral areas on a priority basis is the most effective means of managing our road network, with the limited funding available.

The Councillors were informed that a special meeting would be arranged to discuss road maintenance.
The motion was deferred.

- 9.4 Submitted by Councillors Nick Killian, Noel Leonard, Oliver Fox, Bryan Reilly, Shane Cassells, Jenny McHugh, Tommy Reilly, Wayne Harding, Jimmy Fegan.

“That Meath County Council supports the campaign of the Restaurants’ Association of Ireland to keep the VAT rate for tourism and hospitality at 9% into 2014 and beyond.”

The motion was proposed by **Councillor Shane Cassells** and seconded by **Councillor Wayne Harding**.

It was noted that the subject matter of motions 9.5 and 9.8 were broadly similar. Following a debate it was agreed on the proposal of **Councillor Maria Murphy** and seconded by **Councillor Shane Cassells** to merge the motions as follows:

“That Meath County Council supports the campaign of the Restaurants’ Association of Ireland to keep the VAT rate for tourism and hospitality at 9% into 2014 and beyond and that Meath County Council asks the Minister for Finance to consider extending a reduced rate of VAT on food and tourism services for another year.”

The motion was adopted.

- 9.5 Submitted by Councillor Joe Reilly

“That Meath County Council supports the campaign of the Restaurants’ Association of Ireland to keep the VAT rate for tourism and hospitality at 9% into 2014 and beyond”.

See 9.4



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9.5 (i) Submitted by Joe Reilly

"Meath Co Council whilst recognising the need to review and reform the Rural Transport Programme (RTP) in order to provide a more integrated and efficient rural service acknowledges the excellent service provided by Flexi bus to the rural communities of Co Meath and the 1.3m journeys provided by the Rural Transport Programme (RTP) to rural dwellers in the state in 2012, hereby calls on the Minister of State, Alan Kelly to ensure that as a result of the review that there is no reduction in the annual investment of €16.3m in the Rural Transport Programme (RTP) and that any monies saved as a result of the review be reinvested in the Rural Transport Programme (RTP)"

The motion was proposed by **Councillor Joe Reilly** and seconded by **Councillor Maria Murphy**.

Following a debate, the motion was unanimously adopted.

9.6 Submitted by Councillor Gerry O'Connor

"That the Council centralise graveyard and burial records as part of initiatives and that a report or short presentation on current genealogy services be provided."

The motion was proposed by **Councillor Gerry O'Connor** and seconded by **Councillor Willie Carey**.

A response was provided by Larry Whelan, Senior Executive Officer, Environment. The motion was noted.

9.7 Submitted by Councillors Maria Murphy, Gerry O'Connor, Eugene Cassidy, John V. Farrelly, Catherine Yore, Jim Holloway, Suzanne Jamal, Sirena Campbell, Ann Dillon- Gallagher, Joe Fox

"That in view of the increasing need for housing in the County, this Council requests the Department of Environment, Community and Local Government, Housing section to consider the re opening of the House Building Programme to alleviate the growing housing lists and at the same time stimulate local economies by providing opportunities for local employment."

The motion was proposed by **Councillor Maria Murphy** and seconded by **Councillor Gerry O'Connor**.

An amendment to the motion was proposed by **Councillor Niamh McGowan** and seconded by **Councillor Eoin Holmes** i.e. to add the following text to the original motion *"and where existing available housing stock in areas of housing need is priced at lower than the building cost that funding is released to enable this Local Authority to purchase them."*

The amended motion,

"That in view of the increasing need for housing in the County, this Council requests the Department of Environment, Community and Local



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Government, Housing section to consider the re opening of the House Building Programme to alleviate the growing housing lists and at the same time stimulate local economies by providing opportunities for local employment and where existing available housing stock in areas of housing need is priced at lower than the building cost that funding is released to enable this Local Authority to purchase them.”
was unanimously adopted.

- 9.8 Submitted by Councillor William Carey
“That Meath County Council ask the Minister for Finance to consider extending a reduced rate of V A T on food and tourism services for another year.” See 9.4

10.0 Schedule of Manager’s & Approved Orders (For Information Only)

- 10.1 Schedule of Manager’s Orders - Infrastructure
10.2 Schedule of Manager’s Orders - Environment
10.3 Schedule of Manager’s Orders – Housing Construction
10.4 Schedule of Manager’s Orders – Community & Enterprise

Noted

11.0 Presentations by other Bodies/Statutory Agencies

11.1 Retailers Against Smuggling

The Council received a presentation by Benny Gilsenan of the RAS group, which included information on:

- Cigarette Smuggling in Ireland
- Effect on Retailers & Exchequer
- Fines & Penalties
- Meath’s Illegal Trade and how this can be addressed.

The Cathaoirleach thanked the group for the presentation to the Council and advised that the issues raised would be noted.

12.0 Any Other Business

Issue was raised in relation to the manner in which the phone system operates

Microsoft XP will not be in operation from 2014 and alternative arrangements should be put in place.