**MINUTES OF MEETING OF CAVAN COUNTY COUNCIL HELD ON**

**12 SEPTEMBER 2011**

**IN THE COUNCIL CHAMBER, COURTHOUSE, CAVAN**

COUNCILLOR S. McKIERNAN, CATHAOIRLEACH PRESIDING

PRESENT:Councillors M. Argue, W. Bennett, D. Blake, A. Boylan, C. Boylan, A. Boyle, Danny Brady, Damien Brady,

F. Curtin, J.P. Feeley, M. Maguire Lynch, P. McCauley,

P. McDonald, S. McKiernan, P. McVitty, G. Murray,

J. O’Hare, P. O’Reilly, S.P. O’Reilly, N. Smyth,

P. Smith, S. Smith, V. Smith, P. Walsh

IN ATTENDANCE: J. Keyes, County Manager

G. Finn, Director of Services

E. Doyle, Director of Services

J. McLoughlin, Director of Services

D. Maguire, Head of Finance

K. Reilly, Senior Executive Officer

O. Smith, Senior Staff Officer

**Votes of Sympathy**

The members passed votes of sympathy to the following:

* The Maloney Family on the death of G.V. Maloney, solicitor and law agent for Cavan County Council. Councillor Andrew Boylan said Mr. Maloney’s death was an immense loss to the legal profession and to the wider community. Mr. Maloney was an active, outgoing man, a keen fisherman and participant in outdoor sports. Councillor Gerry Murray said that Mr. Maloney excelled in the courts. Councillor Charlie Boylan said that the late Mr Maloney did an enormous amount of work for the Council and was very courteous and efficient. Mr. Keyes described Mr. Maloney as a very capable person whose expertise and advice would be a huge loss to the Council.
* Kevin Reilly, Senior Executive Officer and the Reilly family, Pullamore on the death of Kevin’s uncle Sean Smith in America.
* The family of the late Paul Dowd, Ardamagh, Ballyhaise, a leading figure in the IFA in the county.
* Family of the late Alo Prior, Liscark, Ballyhaise.
* Family of the late Teresa Shannon, Glangevlin
* Family of the late Patsy Rudden, a former council employee
* Family of the late John Joe Lynch, Main Street Mullagh.

**Votes of Congratulations**

The members also passed votes of congratulations to the following:

* County Camogie Board on the publication of their 100 year History Book.
* St. Clare’s Tullacmongan Rounders Team on winning three All-Irelands in a row.
* Brenton Sweeny, Council employee, who represented Ireland recently at fishing.
* O’Raghallaigh Gaels (Kingscourt & Shercock) on winning County Minor Title.
* Hugh McVitty on representing Ireland in the Clay Pigeon Shoot.
* Cavan County Council’s Arts Office on receiving the Business to Arts Awards for John Byrne’s ‘Casting Light’ project.

Councillor Madeleine Argue asked that a “Get Well” message be sent to Josie Coyle.

Members wished the Cavan Ladies Team the best of luck in the All–Ireland Final on Sunday 25 September, 2011 in Croke Park.

**Cathaoirleach’s Reception**

It was proposed that a Cathaoirleach’s Reception be held for the Cavan U21, Minor and Ladies Teams and the St Clare’s Tullacmongan Rounders Team.

**Fleadh**

Councillor Sean McKiernan led the congratulations. He said that it was a special time for the county with a huge range of visitors from all across the country and abroad. He said congratulations must be passed to the County Manager, staff of the local authority, voluntary workers, Martin Donohoe and Comhaltas Ceoltoirí Eireann.

The County Manager acknowledged all the kind comments regarding the Fleadh and sent a sincere thanks to all partners in the running of the Fleadh, stating that there has been massive publicity for the county and great foreign exposure has been received in both the UK and USA. He thanked the combined efforts of the executive and members and complimented the staff of Cavan County Council and Cavan Town Council and elected members.

**1. To confirm Minutes of Meetings of Cavan County Council held on 11July 2011**

**Miontuairiscĺ cruinnithe 11 Iuil 2011 a dhearbhu**

It was:

Proposed by Councillor J. P. Feeley,

Seconded by Councillor Damian Brady,

And

Resolved:

“that Minutes of Meetings of Cavan County Council held on 11 July 2011, be hereby approved as a true record of the meeting.”

1. **To note County Manager’s Orders.**

Noted.

**3. To note publication of Core Strategies for Cavan County and Cavan Town as required by the Planning & Development Act 2010**

Marice Galligan Graham, A/Senior Planner informed members that the planning authority was required to prepare Core Strategies to take account of revised population projections for the county as set out in the Regional Planning Guidelines prepared by the Border Regional Authority. The core strategies would be given legal effect by way of variation of the Cavan County Development Plan 2008-2014 and the Cavan Town and Environs Plan 2008-2014. K. Reilly, SEO stated that the period of public consultation would conclude shortly, following which the Manager’s Report on submissions would be circulated. It was agreed that a special meeting be held on 26 September 2011 to consider the variations.

**4. To consider Annual Financial Statement and Statutory Audit Report for year ended 31st December, 2010**

**&**

**5. To note Quarterly Financial Report for period ending 30/06/2011**

Des Maguire, Head of Finance stated that the Annual Financial Statement and Statutory Audit Report for year ended 31st December, 2010 gave a comprehensive review of all our financial statements and that it was a satisfactory outcome for the year. Regarding the Quarterly Financial Report for period ending 30/06/2011 – this is a requirement under the EU/IMF agreement - he stated that the credit balance was in line with Budget provisions but that there were challenges to keep within budget for the remainder of the year.

Councillor John Paul Feely noted the level of water rates due. He also raised the issue of tendering procedures and he asked the Council to provide a list of suppliers to show that there is a wide variety of contractors getting work with the Council.

Mr. Maguire concurred that there is a huge challenge in collecting charges due. He stated that commercial metering process only finished at the end of 2009 and that €864,000 of 2010 water charges weren’t invoiced until 2011. The Finance Department is examining each account in great detail at present and water bills are based on readings.

Head of Finance also stated that all tenders over €25,000 have to be advertised on the EU Procurement Website and that there is a very thorough tendering process for all goods and services.

Councillor Andrew Boylan thanked Head of Finance for presenting the reports. He said that it is difficult for some businesses to make rates payments.

Councillor Charlie Boylan highlighted a number of issues regarding rates. He stated that the Council should support local business as much as possible. He also noted that the Fleadh was a great boost to local businesses in the town.

The County Manager stated that the Council’s financial situation is satisfactory while acknowledging that many businesses are experiencing difficulties. He noted that the Council is committed to working with and engaging with business regarding the payment of rates.

**6. To approve disposal of lands under Folio CN1059F i.e. site of Killeshandra Fire Station, Station Grounds and Frontage for the sum of €8,000 to Electricity Supply Board, pursuant to Section 183 of the Local Government Act 2001, Section 90 of the Housing Act, 1966 and Section 211 of the Local Government (Planning & Development) Act 2000 and notices circulated**

It was:

Proposed by Councillor M. Maguire Lynch,

Seconded by Councillor S. Smith,

and

Resolved:

“that disposal of lands under Folio CN1059F i.e. site of Killeshandra Fire Station, Station Grounds and Frontage for the sum of €8,000 to Electricity Supply Board, pursuant to Section 183 of the Local Government Act 2001, Section 90 of the Housing Act, 1966 and Section 211 of the Local Government (Planning & Development) Act 2000 and notices circulated, be hereby approved.”

**7. To note receipt of funding allocation under the 2011 Jobs Initiative Smarter Travel**

**Funding Package in the amount of €306,500 for the provision of 2.6km of 1.5m cycle lanes plus bike parking in 10 towns**

Councillor D. Blake welcomed the funding and asked were there any plans for other towns being looked at under the Smarter Travel Funding Package. J. McLoughlin, Director of Services stated that this is a once off allocation and that we don’t have any specific proposal for any other town at this time.

**8. To note receipt of an additional funding allocation under the 2011 Jobs Initiative**

**Smarter Travel Funding Package in the amount of €160,200 for the provision of 1,100 linear metres of footpath on the R935, Ballinagh Road in Cavan Town**

Joe McLoughlin confirmed that Cavan County Council had received additional funding of

€40,182 for regional and local roads Winter Maintenance Grant in addition to the Winter Maintenance Grant already secured.

He also noted the following additional allocations -

* €100,000 for R199 Killeshandra/Leitrim Boundary
* €50,000 for R198 Arvagh/Cartwright’s Rock

Roads allocation for 2011 was now almost €41 million.

**9. To note North East Homelessness Action Plan 2011-13**

Noted.

**10. To note Annual Report for 2010**

Noted.

**11. To approve attendance of members at the following:-**

* ICBAN Cross-Border Conference on Spatial Planning to be held in Manor House Hotel, Killadeas, Co. Fermanagh on 15th September

Councillors F. Curtin, D. Boylan and A. Boyle.

* Local Authority Members Association (LAMA) Autumn Seminar 2011 to be held in the Clonea Strand Hotel, Dungarvan on 23-24 September

Councillors P. Walsh, M. Maguire Lynch, P. McVitty, D. Boylan, W. Bennett, P. O’Reilly, D. Blake, M. Argue, A. Boyle, S. McKiernan.

Smart Marketing Conference to be held in Abbey Court Hotel, Nenagh, Co. Tipperary from 23-25 September 2011

Councillor S.P. O’Reilly & N. Smyth.

* Clonmel Chamber National Enterprise Conference to be held in Clonmel, Co. Tipperary on 29-30 September

Councillor D. Blake

* Greystones Town Council La Touche Legacy Seminar “Local Democracy A Vision for the Future” to be held in Charlesland Golf & Country Club, Greystones from 30th September to 2nd October

Councillors D. Boylan, M. Maguire Lynch, J. P. Feeley, G. Murray, S. Smith & N. Smyth.

* Kerry Life Education Conference “Getting a Grip 2011 – Substance Misuse - A Health or Criminal Justice Issue?” to be held in Europe Hotel, Killarney on 6-7 October

Councillors J. P. Feeley, G. Murray, P. Walsh, N. Smyth, W. Bennett, P. O’Reilly, D. Blake.

* TJK Conference Ltd. Local Government & Planning Seminar to be held in Patrick Punch Hotel, Limerick on 7-8 October

Councillors D. Blake.

* Federation for Victim Assistance “Victims of Crime – The Cost to the Community” Conference to be held in Manor West Hotel, Tralee on 14-15 October

Councillors J. P. Feeley, N. Smyth, D. Brady, V. Smith, P. Smith.

**12.(a)To note reply from Office of the Minister for Training and Skills regarding school**

**transport**

Councillor Damien Brady indicated he was disappointed with above reply that no changes can be made to the scheme, that it put children’s lives at risk going to school every day. He was also disappointed in the increase from 7 to 10 in the number of eligible pupils residing in a locality, required to retain or establish a school transport service.

**(b) To note reply from National Roads Authority regarding the N3 from Lisgrey to**

**existing speed limits at Virginia**

Councillors P. O’Reilly, J. O’Hare, S.P. O’Reilly and P. Smith expressed disappointment with the reply from the NRA regarding the N3 from Lisgrey to existing speed limits at Virginia. Councillor P. O’Reilly proposed that a further letter be sent to the National Roads Authority to request an oral submission.

**(c) To note reply from Health Service Executive regarding Home Care Support Scheme**

Councillor Val Smith requested further clarification from HSE regarding Home Support. The HSE have offered to come in and brief the Council on the operation of the Home Care Scheme.

**(d) To note reply from Department of Transport regarding additional funding for the repair of bridges**

Noted – Councillor M. Maguire Lynch stated that there should be a separate allocation for Bridges.

**Legislation for Sub Contractors**

Councillor F Curtin raised the issue of legislation to protect sub-contractors. He stated that there were serious problems with the contract to build Laragh National School where sub- contractors were not paid. Councillor J O’Hare stated that it was his understanding that there will be legislation in the Dail before Christmas to deal with this matter.

**Members Items – Deferred from July Meeting**

**1. “That the Road Design Team determine the necessity to implement safety**

**measures in Stradone Village”**

Councillor G Murray called on the Council to implement a modern day safety programme for the village of Stradone. He said that the village was bisected by the R165 which was a busy road leading to Cootehill and industries in that part of the county. A footpath was urgently required. Councillors V. Smith and C. Boylan supported the motion. J. McLoughlin, Director of Services said the Council would look at the situation with regard to 2012 and would take the views expressed into account.

**2. Dental Health**

Councillor P. McCauley highlighted that the number of dental care treatments that people on Medical Cards are entitled to have greatly reduced. People paying Class A PRSI are now only entitled to one dental examination per year and no other treatment is covered. Councillor McCauley requested that a letter be forwarded to the Department of Health requesting that all routine procedures be included in the two schemes.

Councillor S.P. O’Reilly, in supporting the motion, asked that ophthalmic procedures be included as well in the letter to the department.

Councillors C. Boylan, P. Walsh and A. Boylan supported the above motion

**Members Items – September Meeting**

**14. “That this Council in accordance with Section 16(1) of the Presidential Elections**

**Act, 1993 resolves to nominate Séan Gallagher to be a candidate at the**

**forthcoming Presidential Election”**

**Surname of Candidate: Gallagher**

**Other Names: Séan**

**Address: 1 Lios an Uisce, Main St.,**

**Blackrock, Co. Louth**

**Occupation: Entrepreneur, Disability Campaigner,**

**Former Youth Worker.**

Councillor J P Feely proposed the motion to nominate Sean Gallagher as a candidate at the forthcoming Presidential Election. He informed the meeting that Sean is a native of Cavan and went to school in St. Pat’s College. He was Cavan ‘Person of the Year’ two years ago and is probably best known for his role on the TV programme “Dragon’s Den”. He was CEO and founder of Smarthomes and is a member of the new board of FAS. His credentials have been recognised by many other County Councils in the country. He has demonstrated a broad national appeal and he asked members to support his nomination.

Councillor Danny Brady seconded the proposal.

Councillor C. Boylan stated that in supporting Mr. Gallagher’s right to go before the people, his party would, nevertheless, be supporting a Sinn Fein Presidential candidate if the party decides to run one.

Councillor A. Boyle stated that, having selected a candidate from the Fine Gael party to contest the Presidential election, it presented a difficulty for their group in facilitating the election of another candidate.

In accordance with Standing Orders, it was agreed that a roll call vote be taken.

**For Mr. Gallagher’s nomination:** Councillor C. Boylan, Councillor Danny Brady, Councillor Damien Brady, Councillor F. Curtin, Councillor J.P. Feely, Councillor P. McCauley, Councillor G. Murray, Councillor S.P. O’Reilly, Councillor S. Smith, Councillor N. Smyth, Councillor P. Walsh.

**Against Mr. Gallagher’ nomination:** Councillor M. Argue, Councillor W. Bennett, Councillor D. Blake, Councillor A. Boylan, Councillor D. Boylan, Councillor A. Boyle, Councillor M. Maguire Lynch, Councillor S. McKiernan, Councillor P. McVitty, Councillor J. O’Hare, Councillor P. O’Reilly, Councillor P. Smith, Councillor V. Smith.

Councillor P. McDonald abstained

Councillor Sean McKiernan, Cathaoirleach declared the motion defeated by 13 votes to 11 votes.

**3. “Cavan County Council calls on FAS and the Government to increase the number of Community Employment Scheme Workers in the Cavan area as a means of upskilling those who are unemployed and providing much needed support to local organisations”**

Councillor N. Smyth, in proposing the above motion, stated that there are a large number of people unemployed from the construction section and that none of the current internships apply to them. She highlighted the positive impact of the Community Employment Scheme and that their primary goal was to make a person more employable.

A number of Councillors spoke in support of the motion and it was decided to write to Solais to request a member of staff to come in and speak to the Council on the workings of Community Employment Schemes and Internships.

**4. Milltown Public Sewerage Scheme**

Councillor Sean Smith, in proposing the motion for a new Public Sewerage Scheme in Milltown, said that the village has made huge strides in the last number of years with the local community providing a new resource centre, playground and childcare facility. The village was also part of the upgrade of the rural water scheme and with an increase in population needed a public sewerage scheme.

Councillors M. Maguire Lynch, J. P. Feeley and Damian Brady spoke in favour of the motion.

Mr. Peter Cork, Senior Engineer said that finance was the key issue and given the recessionary times, he didn’t think that it was going to be possible to secure the funding for such a scheme. Funding at present was directed to water schemes with the exception of a sewerage scheme in Cavan town which was the subject of an EPA licence.

County Manager said that the way the water investment programme was structured, it concentrated on major centres of population and it was difficult to see villages like Milltown getting wastewater treatment in the medium term. He noted also that the rural water programme was substantially completed and that maybe the Council could make a case to redirect funding to provide infrastructure in unserviced villages such as Milltown. It was agreed to write to the Department to make the request.

**5. Bus Shelter in Belturbet**

Councillor S. Smith, in proposing the above motion, stated that he has had numerous representations from people looking for a bus shelter for Belturbet. He asked was the problem one of finance or location. He also informed the meeting that all bus shelters are being fully utilised in the towns of Ballyconnell, Bawnboy and Swanlinbar.

Councillors J.P Feely, Damien Brady and M Maguire Lynch spoke in favour of the motion.

Joe McLoughlin concurred with the view of the members by stating that it is highly desirable that there would be bus shelters in towns and villages. Previously the funding for these shelters were provided by development levies. These levies are no longer available to the Council. At present, Cavan County Council is not in a position to fund bus shelters.

Councillor S. Smith then proposed that a letter be sent to Bus Eireann to see would they be in a position to provide a Bus Shelter in Belturbet.

Councillor Damien Brady seconded this motion.

**6. Bus Service to Cavan General Hospital**

Councillor P McCauley informed the meeting that there is a new pilot bus service being provided by CART (Cavan Area Rural Transport) on a daily basis Monday to Friday from Cavan Bus Station to Cavan General Hospital. Councillor McCauley stated that the service is new at the moment and people are only becoming aware of it. Councillor McCauley stated that while there was funding available, CART would be providing the service.

**7. Milk Quota**

Councillor Pauline McCauley proposed a motion calling for action to relieve many farmers in Cavan and across the state who are in financial difficulty because they have already used up their available milk quota. The European Union is well under Quota and it is unfair that there are super levies imposed on Ireland when there is quota available in other member states. Acknowledging that milk quotas may be abolished in 2015, Councillor McCauley said that farmers were encouraged by their co-operative to buy more cows and build milking parlours. However, those farmers found that there was no additional quota available for this year. This was causing severe hardship for farm families. Councillor McCauley proposed that the Council write to Simon Conveney, T.D., Minister for Agriculture urging him to advocate change in the system at EU level so that Irish farmers can obtain quota that is available in other countries of the EU.

Councillor Winston Bennett, while welcomed the motion, disagreed that co-ops encouraged farmers to buy in extra cows and increase milk production. He proposed that the Council lobby MEP’s in the region asking them to highlight the plight of farmers caught in this situation.

Councillor Dessie Boylan accepted that this was a problem on many dairy farms. However, he couldn’t accept that co-operatives encouraged dairy farmers to go into dairying when they didn’t have quota. He said that quotas may disappear in 2015 but it was unlikely to lead to a free market because at peak supply time, there is only adequate processing capacity in the country and increased capacity will have to be funded

Councillor S. Smith, G. Murray, C. Boylan, F. Curtain, A. Boylan, P. Smith, M. Maguire Lynch and D. Blake all spoke in favour of the motion.

**8. Abolition of the Universal Social Charge**

Councillor Pauline McCauley called for the abolition of the universal social charge. She described the charge as unjust and that it bore down heaviest on those most unable to pay, such as low income workers, lone parents and widows. She suggested that the health and income levy should be introduced as a temporary measure pending the drafting of a more equitable taxation system.

Councillor Paddy McDonald stated that the universal social charge was a flat tax which didn’t take into account a person’s ability to pay.

Councillor Damien Brady claimed this charge hit the disposable income of ordinary workers and this resulted in reduced spending in local shops and the local economy.

Councillor Andrew Boylan agreed that the universal social charge was hitting unfairly at those on low incomes but given the state of the country’s finances, it was not possible to call for its abolition without an alternative. He stated the scheme should be modified.

Councillor Dessie Boylan agreed and said modification was the path that should be pursued.

Councillor Madeleine Argue seconded Councillor Andrew Boylan’s proposal that the universal social charge be amended rather than abolished.

Councillor McCauley stated that she had proposed the abolition of universal social charge and the re-instatement of the health and income levy as a temporary measure pending the putting in place of a fair, progressive taxation system.

Items 9-13; 15-20 were deferred.

The meeting concluded at 5.00 pm.