**DUNDALK TOWN COUNCIL**

**MINUTES OF MONTHLY MEETING OF DUNDALK TOWN COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, DUNDALK ON TUESDAY 23rd APRIL 2013**

**PRESENT**

Cathaoirleach, Councillor J Green, presided.

**ALSO PRESENT**

Councillor M Bellew, Councillor S Bellew, Councillor M Butler, Councillor M Dearey, Councillor M Doyle, Councillor C Keelan, Councillor K Meenan, Councillor O Morgan, Councillor E O’Boyle, Councillor J Ryan and Councillor H Todd

**IN ATTENDANCE**

J Martin, County Manager

F Pentony, Director of Services and Town Clerk

D Storey, Senior Executive Officer,

J Lawrence, Administrative Officer

P McVeigh, Senior Executive Engineer

S Mullen, Senior Executive Planner

The Meeting commenced with Prayers at 7pm

**086/13 RATIFICATION OF ARTS GRANT / MUSIC BURSARY’S**

On the proposition of Councillor M Bellew and seconded by Councillor E O’Boyle it was agreed by the Members to ratify the Art Grants as presented by B Harten, County Arts Officer and D D’Arcy, Assistant Arts Officer. The Music Bursary’s were proposed by Councillor M Butler and seconded by Councillor E O’Boyle.

**087/13 VOTE OF SYMPATHY**

On the proposition of Cathaoirleach J Green and seconded by Councillor E O’Boyle the members agreed to extend a vote of sympathy to the family of the late Bernard Quinn, former Craftworker with Dundalk Town Council.

On the proposition of Cathaoirleach J Green and seconded by Councillor E O’Boyle the members agreed to extend a vote of sympathy to the family of the late Tom Murray, father of Marie McGorman, Tenant Liaison Officer.

On the proposition of Cathaoirleach J Green and seconded by Councillor E O’Boyle the members agreed to extend a vote of sympathy to the family of the late Joe Gallagher, former Councillor with Dundalk Town Council.

**088/13** **PLANNING AND RELATED MATTERS**

13/14 Kilgar Management Company Permission for development that will

Ltd consist of proposed new security

gates etc at Kilgar Apartments,

Jocelyn Street, Dundalk, Co Louth

The Members were advised that this was an incomplete application.

13/15 Judy McGahon Permission for development works

etc at 9 Faughart Terrace, St Mary’s

Road, Dundalk

The Members were advised that Further Information had been requested.

13/16 Larry Connolly Permission for development

works etc at 44 Dublin Street, Dundalk, Co Louth

The Members were advised that Further Information had been requested.

13/17 Michael Gunne Permission for development

consisting of alterations to 1-3 Bachelors Walk, Dundalk, Co Louth

There was no comment from the Members on this application.

13/18 Margaret McArdle Retention Permission for

development that will consist of the allocation of 10% of the existing floor space for the sale of non-bulky goods and external advertising signage at Units 3 & 4 Northlink Retail Park, Coe’s Road, Dundalk.

The Members were advised that Further Information had been requested. S Mullen confirmed that the development herein has been carried out without planning permission.

13/19 Trezgrove Properties Ltd Permission for development

consisting of a 3 storey front entrance extension and internal alterations to existing premises at Coe’s Road Industrial Estate, Dundalk

There was no comment from the Members on this application.

13/20 Marshes Shopping Centre Ltd Permission for proposed development

and associated works at Units 29, 30 and 31 Marshes Shopping Centre, Ramparts Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/21 Keystone Insurance Ltd Permission for development and

associated works at Lisdoo, Newry Road, Dundalk, Co Louth.

The Members were advised that this application was invalid.

13/22 Laurence Muckian, Leo McCawley Extension of Duration of planning

and Seamus Taaffe permission 07/302 which consists

of chandlery extension to side of existing shop and associated works at

Londis Shop Premises, Quay Street, Dundalk

S Mullen advised that an extension of duration application sought for reasons of economic, commercial or technical reasons, and where substantial works have not been undertaken, must be re-appraised against three main criteria

as per section 42 of the Act.

(1) has there been a change in the development plan since the permission was granted such that the development would no longer be consistent with proper planning and sustainable development of the area;

(2) would the development be inconsistent with any Ministerial guidelines  issued since the permission was granted, e.g. flood guidelines.

(3) does the development require an EIS or AA and if so were these carried out before the permission was granted.

If substantial works have been undertaken on foot of a permission then it is not necessary to re-appraise the development under the above criteria and the applicant is entitled to an extension of duration.

13/23 Niall & Colette Byrne Permission for development that will

Consist of demolition of existing dwellinghouse and garage and associated site works at Culard, Mount Avenue, Dundalk

There was no comment from the Members on this application.

13/24 Andrew & Elizabeth Kenny Permission for alterations & extension

to existing dwellinghouse and associated site works at 56 Point Road, Dundalk, Co Louth.

There was no comment from the Members on this application.

13/25 Shane & Pamela McKenna Permission for development to

remove 2 no existing columns & construct a single storey porch to front of 45 Point Road, Dundalk,

Co Louth.

There was no comment from the Members on this application.

13/26 Martina Gruendemann Permission is sought for the

construction of a ground and first floor extension to the rear of existing dwelling at 20 St Brigid’s Terrace, Dundalk, Co Louth.

There was no comment from the Members on this application.

13/27 Christopher Kane Permission for development that will

consist of new extension to the rear

and associated works at 25 Cherryvale, Bay Estate, Dundalk.

There was no comment from the Members on this application.

13/28 Fire & Building Control In accordance with Part VIII, Article

81 of Planning and Development Regulations 2001 (as amended), DTC hereby gives notice of its intention to carry out development etc at County Museum, Carroll Centre, Roden Place, Jocelyn Street, Dundalk.

Councillor M Dearey remarked that he would watch this application with great interest as the building was a Protected Structure in an A.C.A.

13/29 Alan Murray & Linda Callan Permission for conversion of the

existing garage to habitable accommodation at The Bungalow, Mill Street, Dundalk.

The Members were advised that this was an incomplete application.

**089/13** **PLANNING PROGRESS REPORT**

The report was noted by the Members

**090/13** **CONSIDERATION OF MINUTES**

On the proposition of Councillor M Butler and seconded by Councillor S Bellew the Members agreed to adopt the Minutes of the Monthly Meeting of the 26th March 2013.

Minutes of the CPG Meeting of the 19th March 2013, Housing MPC Minutes 27th November 2012 and Infrastructure MPC Minutes 29th January 2013 were noted by the Members.

**091/13** **MATTERS ARISING**

Councillor M Butler requested an update on the Part VIII process for the new

Post Primary School project and F Pentony advised that the process is almost

ready to commence.

Councillor M Butler was advised by F Pentony that the cooling off period was in play in relation to the award of the Tender for the operation of the Recycling Centres (066/13).

Councillor M Doyle requested an update on the proposed extinguishment of Right-of-Way at Lynch’s Lane (071/13) and was advised by F Pentony that Mr Eamonn Walsh has been selected to conduct the Hearing. The Hearing will be informal and those persons who have made a submission within the appropriate timeframe will have an opportunity to make an oral submission at the Hearing. Mr Walsh will decide the protocols for the conducting of the Hearing which is likely to be held during normal office hours. Councillor M Dearey commended the selection of Mr Walsh.

Councillor M Bellew queried what works will be undertaken on lower Clanbrassil Street (079/13) and the likely start date for these works. P McVeigh advised that he will examine the position on site.

**092/13** **HOUSING PROGRESS REPORT**

D Storey confirmed for Councillor H Todd that there will be further meetings with residents of Ashling Park Pilot Project prior to any works commencing on the ground, and he further confirmed that there is currently an issue with the holding of Estate Management Committee meetings and that he is in discussion with the former Rapid Co-Ordinator in relation to this.

It was confirmed for Councillor M Butler that only 1,000 forms have been returned for the Housing Assessment and that any extension of time to submit completed forms was a matter for the Assessment Unit in LCC. Councillor K Meenan queried the position with derelict properties in Slieve Roe Crescent and D Storey confirmed that the Council is looking at addressing this issue; however no funding is currently in place to acquire any of these units should this become necessary. D Storey confirmed for Councillor K Meenan that the Department have not sanctioned any funding for a Remedial Works Scheme in Glenmore.

Councillor M Doyle referred to the €1.9 million outstanding in rent and D Storey advised that the Council was implementing the Rent Arrears Procedure to recover these outstanding monies.

Councillor M Bellew expressed his concerns that in 10/15 years landlords could be requesting return of their Long Term Leased properties and the Council will be left with a major problem rehousing the tenants of these units. It was confirmed to Councillor M Bellew that the Local Property Tax is payable by DTC, however, Minister Hogan has indicated that tenants will pay a weekly amount to cover the tax and that this may become part of the proposed National Rent Scheme but is a matter for each individual Local Authority.

**093/13** **CAPITAL PROJECTS REPORT**

The report was noted by the Members.

**094/13 AUDITED ANNUAL FINANCIAL STATEMENT 2011**

Councillor M Doyle referred to the strong language used by the Auditors regarding non-compliance with Tendering process as outlined in paragraph 7.2 of the report. Councillor M Doyle requested that this item appear on the agenda going forward until the matter is resolved. F Pentony advised that this matter would be dealt with within the next 6 weeks and the Members will be so advised when complete.

Councillor M Butler expressed concern that €78,000 in fees was outstanding from the operator of the Dundalk Leisure Centre and F Pentony confirmed that arrangements were in place to recover these fees over the next few years, and that €25,000 had been received in 2012.

F Pentony further confirmed that the monies outstanding under 4.4 of the Auditors Report related to lands now covered under the Land Aggregation Scheme. It was confirmed to Councillor M Dearey that Louth County Council were not dragging their heels on payment of the €570,000 outstanding related to commercial water charges. This sum relates to outstanding sums due when the water charge liability transferred to Louth County Council and is reducing as the arrears are paid. Councillor M Dearey queried the difference between the figures quoted as outstanding in the Auditors report for Development Contributions and F Pentony’s report which was listed later on the Agenda. F Pentony advised that his report referred to the position as at end of 2012 and that the 2.5 million difference relates to a combination of monies since paid, written off and planning permission’s expiring. The figure in the Auditors Report was the position at 31st December 2011.

Councillor E O’Boyle was advised that the Council carry an Insurance excess of €6,300 per claim and that the tendering for replacement of Pay Parking meters and maintenance of same was being planned.

The Audited Annual Financial Statement for the year 2011 was proposed by Councillor M Doyle and seconded by Councillor M Butler and agreed by the Members.

**095/13** **REPLY TO NOTICE OF MOTION – NEW SAFETY MEASURES ALONG CASTLEBLAYNEY ROAD – COUNCILLOR E O’BOYLE**

Councillor E O’Boyle thanked P McVeigh for the report. Councillor S Bellew remarked that speeding is an issue here and queried the merits of referring the issue to the appropriate authorities for roll out of the mobile speed cameras.

P McVeigh agreed that Councillor Bellew’s suggestion had merit, however the mobile speed cameras are normally deployed at fatal collision locations and that to his knowledge this area was not one of these.

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**096/13 PART VIII PLANNING NOTICE OF PROPOSED DEVELOPMENT FOR INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS ON ROOF OF COUNTY MUSEUM FOR ENERGY GENERATION – FOR NOTING (PROTECTED STRUCTURE)**

The Notice was tabled for the information of the Members.

**097/13 REPLY TO NOTICE OF QUESTION – COUNCILLOR MARK DEAREY – REPORT ON OUTSTANDING DEVELOPMENT CONTRIBUTIONS**

Councillor M Dearey thanked F Pentony for the report. Councillor M Dearey requested that the Council pursue those who can pay but won’t and remarked that the extensive credit given to developers had left Local Authorities with large debits following the crash. Councillor M Dearey suggested that countywide aerial photography could be used to determine if developments had commenced. Councillor Dearey remarked that although the report was not very revealing, that information obtained during the discussions that followed was enlightening.

**098/13** **CONFERENCES / EVENTS – TO APPROVE MEMBERS’ ATTENDANCE AT THE ENCLOSED CONFERENCES**

On the proposition of Councillor E O’Boyle and seconded by Councillor J Ryan, the Members attendance at Conferences listed with the agenda and recorded in the Conference Register was approved.

**099/13 NOTICES OF MOTION – COUNCILLOR O MORGAN**

“That this Council call on the Minister for the Environment, Community and

Local Government to defer the implementation of the Local Property Tax

similarly to the Water Charge Tax postponement which was announced by his

colleague, Minister Brian Hayes on Monday 08/04/2013, in recognition of the

reality of the dire financial stricture which currently afflicts the ordinary

people of Ireland”.

The motion was seconded by Councillor M Bellew. Councillor M Dearey remarked that his preference would be for a site tax and Councillor M Doyle remarked that Members and public must understand why there was a need for the Local Property Tax. The Members agreed the motion

**100/13 NOTICE OF MOTION – COUNCILLOR M DEAREY**

“That the report on the Coe’s Road junction with Point Road be presented and costed (See 197/11 Sept 2011 Council minutes) and implemented as soon as possible, in view of the most recent incident at the junction when a car went through a garden wall opposite.”

Councillor M Butler seconded the motion and it was agreed by the Members.

**101/13 NOTICES OF QUESTION – COUNCILLOR O MORGAN**

1. "Does the Town Clerk intend to take any further action in providing Dundalk and its surrounding area with low-tide 24/7/365 boat launching facilities for life-saving, search and rescue, recreational and other water based activities on our River, Estuary and Bay?"

**REPLY**: The Town Clerk does not have a direct role in the provision of such a facility.

*Councillor O Morgan expressed his satisfaction with the answer.*

2. How much, if any, of the circa €174,000 of the public`s money which this council paid out to lawyers in the McCaughey Developments LTD -v- Dundalk Town Council Judicial Review proceedings was paid in respect of the joint legal effort by this Council and McCaughey Developments LTD to rebut the application by the Louth Environmental Group to the High Court seeking to be joined in those proceedings as a full party in a hearing before Mr Justice Hanna which took over one day in the High Court?

**REPLY**: The legal fees submitted do not indicate a breakdown in the manner requested, but I have no doubt there was some additional costs incurred. All costs were subject to taxation. In addition it should be pointed out that there was no joint legal effort by the Council and McCaughey Developments Ltd to rebut the application of Louth Environmental Group to be joined as a full party.

*Councillor O Morgan noted the answer and asked a supplementary question concerning a request for Members to get a breakdown of the costs figure, F Pentony agreed to furnish same.*

3. May the members of the Council have a written report from the relevant executive staff (LLC or DTC) on how much it has cost the public to lace our drinking water in Dundalk with fluoride since the year 2000 and detailing what are the public health implications of this practice, both negative and perceived positive?

**REPLY**: The responsibility for adding fluoride to drinking water rests with Louth County Council, as directed by the HSE, to whom I have referred your request.

*Councillor O Morgan noted the answer and asked a supplementary question querying the likely date that Members might be in receipt of the report. F Pentony replied it was a matter for Louth County Council and when they respond it will be made available to the Members.*

**102/13 NOTICE OF QUESTION – COUNCILLOR H TODD**

"Has a survey been carried out on all the houses in Cox’s Demesne which had works done to them under the €3.3m energy efficient retrofit scheme, if such a survey been carried out what were the results of the survey to determine what cost savings, efficiencies and improvements in heat / u-values in the houses?"

**REPLY:** The information currently available to Dundalk Town Council in regard to the Energy Efficiency Improvement Works carried out in Cox’s Demesne as part of Phase I Cox’s Regeneration Scheme relates to the info included in the BER Certificate.

The BER shows the current BER rating of the dwelling, which in most cases for the housing stock in Cox’s Demesne has been improved from an E2 rating, to that of a C2 rating. Some of the housing stock has even been able to achieve a B3 rating.

Dundalk Town Council is currently in discussions with SEAI and CASALA\* to carry out monitoring within a percentage of the housing stock to show the actual energy usages and what can be done to make changes to the way people use their energy.

*\*CASALA is an independent Energy Efficiency consultant situated in Dundalk Institute of Technology (DkIT) who has carried out previous monitoring of Dundalk Town Council housing stock in Muirhevnamor area of Dundalk.*

*Councillor H Todd remarked that he was not happy with the response and asked a supplementary question concerning when the survey was carried out, by whom, and where are the results? Councillor Todd advised of concerns raised by numerous householders that dwellings are not warmer post works. D Storey advised that there have been no surveys carried out but rather, Building Energy Rating (BER) tests and that visits will be carried out with tenants over the next few months. Councillor Todd replied that he will raise the issue again at the next monthly meeting.*

**103/13 NOTICE OF QUESTION – COUNCILLOR M BUTLER**

1. (a). Has Riverside Drive been taken in charge?

**REPLY**: (a) This housing development was taken in charge in August 2008, following a request to do so from the developer.

*Councillor M Butler remarked that she had no supplementary question*.

(b) In light of the continued involvement of a management company in this estate, what exactly are Dundalk Town Council responsible for?

**REPLY**: (b) Dundalk Town Council has taken in charge the roads, footpaths, services and public open spaces in accordance with the signed agreement with the development. I am unaware as to the areas under the control of the Management Company.

*Councillor M Butler expressed her concern with the response*

**104/13** **RESOLUTIONS**

On the proposition of Councillor M Dearey and seconded by Councillor C Keelan, the Members agreed to support the motion of Passage West Town Council in relation to Rating of Commercial Premises.

**105/13 CORRESPONDENCE**

Councillor C Keelan queried when the next Newry Dundalk Joint Committee meeting would be held and F Pentony advised that he will discuss with his counterpart in Newry.

**The meeting concluded with prayers @ 8.30pm**

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Minutes confirmed at Meeting

Held on the day of May 2013

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**CATHAOIRLEACH**

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**CLEIREACH AN BHAILE**