**DUNDALK TOWN COUNCIL**

**MINUTES OF MONTHLY MEETING OF DUNDALK TOWN COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, DUNDALK ON TUESDAY 22nd OCTOBER 2013**

**Attendance**

**Cathaoirleach**, Councillor E O’Boyle, presided.

**Councillors:** M. Bellew, S. Bellew, M. Butler, M. Dearey, M. Doyle, J. Green,

C. Keelan, O. Morgan, J. Ryan, H. Todd

**Officials:** P. Poole, County Manager

F. Pentony, Director of Services and Town Clerk

D. Storey, Senior Executive Officer,

C. Duff, Town Engineer

E. O’Callaghan, Senior Executive Planner

P. Donnelly, Senior Executive Officer

**Apologies:** Councillor K. Meenan

The Meeting commenced with Prayers at 7pm

**236/13 RATIFICATION OF ARTS GRANT AWARDS – 2ND ROUND 2013 AND TYRONE GUTHRIE BURSARY**

On the proposition of Councillor C Keelan and seconded by Councillor M Doyle, it was agreed by the members to ratify the CreateLouth Arts Grants, as presented by B Harten, County Arts Officer.  The Tyrone Guthrie Centre regional Bursaries were proposed by Councillor M Dearey and seconded by Councillor C Keelan.  The County Arts Officer was asked to bring proposals to the next Council meeting in relation to available funds for the arts in this calendar year.

**237/13 SUSPENSION OF STANDING ORDERS**

Upon the proposal of Councillor M. Butler and seconded by Councillor M. Deary the Cathaoirleach suspended standing orders in accordance with order number 77

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**238/13 STATEMENT BY THE COUNTY MANAGER MS. PHILOMENA POOLE**

The County Manager made the following statement

Members will be aware there has been some media coverage in relation to the Council’s Social Housing Investment Programme for 2010. You will also be aware that I directed a review to be conducted by the Council’s Internal Auditors Deloitte. That report was received by me last week and I have now instigated a full investigation into matters surrounding the purchase of the two particular properties involved. All of the appropriate steps and procedures have been put in place to facilitate this investigation.

This will be a de novo investigation – therefore the investigation team will start from scratch. The Deloitte report will not be made available to the Investigation Team, to the individuals involved or indeed to any third party and I have emphatic legal advice to that effect.

This investigation will be carried out in a timely manner however until it is fully concluded the Council will not engage or comment on any matter which in any way surrounds it in order to ensure that the outcome is not prejudiced for the individuals involved or for the organisation.

The County Manager in reply to Councillor Dearey’s query advised that the

investigation relates to units acquired in the Louth County Council area only.

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**239/13** **COUNTY MANAGER**

At the invitation of the Cathaoirleach and with his acknowledgment that the County Manager did not have an opportunity to address the members at her first meeting in September he invited Ms Poole to address the members.

The County Manager spoke of the historic time it is to be involved in local government and how she looked forward working with the elected members. With the move to a single authority the County Manager assured that a key focus of the single authority will remain on Dundalk town & its environs.

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**240/13** **PLANNING AND RELATED MATTERS**

13/98 Niall Laverty Retention for an additional single

Storey dwelling with associated site

works at 21 Mill Street, Dundalk, Co Louth.

There was no comment from the Members on this application.

13/99 Ronnie & Julianne Della Rossa Carroll Retention and permission for

development and associated site works at Innisfree House, Carrick Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/100 Michael Staunton & Eileen Pollock Permission to extend the existing

Kitchen etc at 191 Bothar Blinne, Ard

Easmuinn, Dundalk

There was no comment from the Members on this application.

13/101 Board of Management CBS Permission sought for the

Primary School construction of a new two storey extension to the existing school and all associated site works at CBS Primary School, Chapel Street, Dundalk, Co Louth

There was no comment from the Members on this application.

13/102 Oliver & Mary McGinnity Permission to demolish existing

house and to construct a new (part two storeyed) house, garage and all associated site works at Ladywell house, Dublin Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/103 Peaken Properties Ltd Retention of an existing smoking area

and ancillary works at first floor level 39 Park Street, Dundalk, Co Louth

There was no comment from the Members on this application.

13/104 Marshes Shopping Centre Ltd Permission for development and all

associated site works at Units 20, 21, 22, 23 & 24 Marshes Shopping Centre, Ramparts Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/105 Angela Ryan Permission for alterations and all

associated site works at 263 Lower Point Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/106 David Carson Receiver & Manager Permission for the change of use of

over Finnabair Estates Ltd (in Units 2, 3 & 4, Dundalk Retail Park,

receivership) Inner Relief Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/107 Rui Abreu Permission for alterations to the

existing dwelling house and the construction of a first floor extension to the rear at 19 Mary Street South, Dundalk, Co Louth

There was no comment from the Members on this application.

13/108 James Murphy & Sons (Dundalk) Ltd Extension of Duration of 08/40 – PL

55.231975 and all associated site works at Dublin Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/109 Health Service Executive Extension of Duration 08/131 and all

associated site works at Mounthamilton House, Carrickmacross Road, Dundalk, Co Louth

There was no comment from the Members on this application.

13/110 John Caraher Permission for the construction of

ground and first floor extension etc at 73 Cherryvale, Bay Estate, Dundalk, Co Louth

There was no comment from the Members on this application.

13/111 The Society of St Vincent De Paul Retention and completion of a two

storey day care centre etc at 70m North West of Hoey’s Lane / Inner Relief Road Roundabout, Inner Relief Road, Dundalk, Co Louth

There was no comment from the Members on this application.

**241/13** **PLANNING PROGRESS REPORT**

The Planning progress report dated September 2013 was noted by the Members.

**242/13 OXYGEN FACILITY COES ROAD**

**Proposed by Councillor M. Bellew**

**Seconded by Councillor J. Ryan**

**And Resolved:-**

That the Town Clerk writes to the Environmental Protection Agency and seek an update in regard to the operation of the facility at Coes Roads Dundalk managed by Oxygen Ltd. which is the cause of much annoyance and concern to local residents living in the vicinity due to the foul odours that emanate regularly. And further that the Town Clerk have the operation of the facility investigated to ensure compliance with the planning permission.

**243/13** **CONSIDERATION OF MINUTES**

On the proposition of Councillor M Bellew and seconded by Councillor H Todd the Members agreed to adopt the Minutes of the Monthly Meeting of the 24th September 2013 with the following amendment – *Minute No 229/13 Director of Services and Town Clerk advised that the next stage was to extinguish the Market Rights at the Market Square, he also advised that all future markets would be organised under the Casual Trading Act.*

**244/13** **MATTERS ARISING**

Minute No 234/13 Councillor J. Greene

N52 speed limit – Ms. C. Duff Town Engineer advised the matter had been referred to Louth County Council and the matter will be raised with the NRA. There was no timeframe in regard to same at this time.

Minute 212/13 Councillor C. Keelan

Note and advised that site is vacant and request that a prohibition order be sought for the site and the site secured.

Minute 220/13 Councillor S. Bellew

Received reply for BIDS Company and satisfied.

Minute No. 218/13 Councillor M. Doyle

Welcomed works on yellow box on Carrick Road

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**245/13** **REGIONAL AUTHORITY NOMINATION**

**Proposed by Councillor M. Butler**

**Seconded by Councillor M. Doyle**

**And Resolved:-**

That in respect of the deferred matter, (Minute 228/13) the nomination of a second member to the Operational Committee of the Regional Authority as per Local Government Act 1991(Regional Authority) (Establishment) Order 1993 that **Councillor Mark Dearey** be confirmed as the nominee.

**246/13** **HOUSING PROGRESS REPORT**

Mr. D. Storey, Senior Executive Officer presented the monthly housing progress report and responded to members queries as follows:

Councillor H. Todd in regard to the Energy saving meeting he was disappointed with the attendance and feels that further clarification in regard to the controls and operation of same is necessary. In response to the high number of allocation refusals Mr. Storey outlined that thirty of the applicants had refused the same dwelling as it was not clear from their application that the particular area was not suitable.

An Cathaoirleach query in regard to the housing stock number was clarified. Mr. Storey also replied to a query from the Cathaoirleach in respect of the number of homeless presenting.

Councillor J. Ryan queried the rent arrears figure and if the local authority expected to recover the outstanding balances. Mr. Storey advised that the rents were based on household incomes and that the staff would continue to work with tenants to recover outstanding balances.

Councillor M Doyle queried how the outstanding balances were communicated to the tenants and if a personal call would not be more appropriate. Mr. Storey advised that rent collectors are not a feature of how the scheme is managed but that there was on occasion personal contact from housing staff.

In response to Councillor Doyle’s query if a deduction at source where tenant was in receipt of social welfare, could be considered, Mr Storey advised that the Household Budget option was available to tenants but it was a voluntary scheme.

**247/13** **VOTE OF SMYPTHY**

On the proposal of the Cathaoirleach, Councillor E. O’Boyle and seconded by Councillor M. Butler a vote of sympathy was recorded in respect of the late Mr. Tommy Greene Father of Mr. Cormac Greene of Dundalk Town Council.

**248/13 CAPITAL PROGRESS REPORT**

The Capital Progress report as circulated with the agenda was noted by the Members.

**249/13 HOUSING SERVICE RECONFIGURATION**

Mr. David Storey, Senior Executive Officer advised the members that as part of the ongoing reconfiguration of services on a County at large basis that DTC housing staff would transfer to County Hall with effect from Monday 4th November 2013.

Councillor Greene suggested that the housing counter would be more appropriately located in the Town Hall. Councillor Keelan supports this view.

In response to Councillor M Bellew’s question in respect to the level of housing service remaining in County Hall, Mr Storey advised that application forms etc. would be available at the Town Hall but all other queries would be directed to County Hall.

The Town Clerk, Mr. Pentony advised that there was no decision in regard to the location of services at the Town Hall under the single authority model.

The County Manager Ms. Poole advised that it was not the intention to leave the Town Hall vacant and it was important that the design of the new organisation would bring services as practically close to our clients as is possible.

**250/13 TO APPROVE AN OVERDRAFT FACILITY FOR 2014**

**Proposed by Councillor M. Bellew**

**Seconded by Councillor M. Butler**

**And Resolved:-**

That agreement of the Members to allow for an overdraft facility of €3 million in respect of 2014 should it be necessary be confirmed.

**251/13** **GIRO D’ITALIA**

The Town Clerk, Mr. Pentony advised the members of the outline plans in respect of the hosting of a stage of the Giro d’Italia through the town in 2014. He thanked the Cuchulainn Cycling Club for their efforts in regard to same and he looked forward to the members supporting the initiative at budget time.

Councillor Butler congratulated all involved with the initiative and this was endorsed by the Cathaoirleach.

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**252/13 REPLY TO NOTICES OF QUESTIONS – COUNCILLOR O MORGAN**

Councillor O. Morgan

- Re the number of merging of junction - response noted.

- Re Pedestrian Crossings – response noted

**253/13** **CONFERENCES / EVENTS – TO APPROVE MEMBERS’ ATTENDANCE AT THE ENCLOSED CONFERENCES**

**Proposed by Councillor J. Ryan**

**Seconded by Councillor S. Bellew**

**And Resolved:-**

To confirm the Members attendance at Conferences listed with the Agenda and recorded in the Conference Register.

**254/13 DEFERRED NOTICES OF MOTION – COUNCILLOR C KEELAN**

1. **Proposed by Councillor C. Keelan**

**Seconded by Councillor O. Morgan**

“That this Council take all appropriate action to tackle the problem of persistent dumping in the Defender’s Row area.”

**REPLY:**

*See reply to Councillor Green’s Notice of Motion.*

*This site (known as the Old Coal Yard on Defenders Row, Dundalk) is a private site which was the subject of a complaint several years ago. At that time the site owner was identified and issued with a Notice in accordance with Section 9 of the Litter Pollution Act, 1997. That notice required that the owner undertake specified measures to remediate and secure the site and which was complied with. That resolved the issues at that time.*

*The site remains secure but littering and dumping at the site continued. The site again came to the attention of the Council in July 2013 when further complaints were made about that site. In particular the site was not properly maintained and litter and waste were dumped at the site.*

*The Council contacted the site owner directly and asked him to remediate the site, which he did. We have inspected the site and it remains secure and a small amount of litter and dumping have again arisen at the site. The Council now proposes to send a warning letter to the owner of the site seeking a litter management plan for regular maintenance of the site. We are satisfied that the owner has complied with the requirements of the Council but a plan for litter management at the site is warranted and the Council intends to request that.*

*Maintenance of private sites is a matter for landowners and the Council has powers of enforcement in relation to such matters. The Council reserves the employment of measures such as CCTV for litter and dumping in public areas which present as ‘blackspot’ areas around the town. However, such measure is expensive and resource demanding and the Council explores all other options before implementing that measure.*

*The Council would like to appeal to all landowners to regularly inspect their lands and to remediate and litter or waste arising to improve the presentation of the Town.*

The motion was seconded by Councillor H Todd.

Councillor J Green advised Members that the motion was for the whole area of Defender’s Row and not just the site of the Old Coal Yard. Councillor J Green advised of ongoing dumping of rubbish in elderly person’s gardens and that the introduction of mobile CCTV may assist in ending this problem. Councillor J Ryan agreed with the suggestion of CCTV installation.

1. **Proposed by Councillor C Keelan**

**Seconded by Councillor E. O’Boyle**

“That this Council initiate a traffic count in the Barrack Street area to assess the feasibility of introducing ramps or traffic calming measures in the area.”

**REPLY:**

*Arrangements have been made to investigate this matter.*

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**255/13 DEFERRED NOTICE OF MOTION – COUNCILLOR M DOYLE**

**Proposed by Councillor M. Doyle**

**Seconded by Councillor S. Bellew**

That any reports relating to the junction of Castle Road and Jocelyn Street be presented to the members of this council. This should include the recommendations of the N.R.A. as well as any plans to alter this junction which is currently a hazard to users.’

**REPLY:**

*Following on from the stage 3 safety audit undertaken last year and NTA inspectors site inspection in August 2012, the inspectors suggested at that time that for Castle Road/Jocelyn St Junction, we should “bend eastbound cycle track in to the edge of the traffic lane to prevent blocking by side road traffic” (as per emailed note to Catherine Duff and John Bell (of Consultants Roughan & O’Donovan))”.*

*Subsequently, this solution was considered in conjunction with other potential strategies and given that it was bringing cyclists and vehicles closer together at the junction, an alternative was proposed, i.e. putting a stop line between side road traffic and the cycle lane to ensure that motorised vehicles had clear direction to stop and check the cycle lane, prior to proceeding across it.*

*This appeared to address the issues raised by the inspectors, because even within the inspector’s proposal, vehicles still had to cross the cycle lane. With the alternative solution, drivers have clear and unambiguous direction as to what is required of them as they approach the junction on the side road, while not bringing cyclists and vehicles closer together.*

*This solution was discussed with Roughan & O’Donovan’s (Consulting Engineers) and has been set out on the road. The position will continue to be monitored.*

*Councillor M Bellew requested the provision of an additional stop sign at the junction and that the Council look at ponding in various locations.*

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**256/13 DEFERRED NOTICE OF MOTION – COUNCILLOR E O’BOYLE**

**Proposed by Councillor E. O’Boyle**

**Seconded by Councillor C. Keelan**

**Notice of Motion (1) - Resolving St. Nicholas Avenue Residents’ Issues:**

That our Executive Staff prepare and bring to Council a progress report comprehensively detailing what steps have been taken by our Executive to resolve the perceived problems which have prevented the implementation of our unanimously resolved resolutions of over four years ago (ref 120/09), over three years ago in question (ref 166/10) and motion number 18 at our June 2013 Monthly Meeting, so that the objectives outlined in both motions concerning the improvement to the recreational amenity of the community defined in the motions, may be substantially enhanced during this, the last year of the last term of office of our Council.

**120/09 Notices of Motion** – **Councillor Eamonn O’Boyle**

*1.* ***Provision of Safety Fence at Maxwell’s Row***

*“That this Council erect a safety fence (of similar specification) to our existing fence between Riverside Crescent and the Táin Park around the green area at Maxwell’s row to provide a safe playing area for small children from St. Nicholas Avenue and Castletown Road”.*

This motion was seconded by Councillor I Dooley

**166/10 NOTICE OF QUESTION – COUNCILLOR EAMONN O’BOYLE**

What steps have been taken by the Manager to implement the will of this Council as expressed in a unanimous resolution of this Council, recorded in Minute No.120/09, that a walkway/cycleway be created on the south bank of the Castletown River from the Big Bridge to the Railway Bridge and that a fence be provided around the area of grass between Maxwell’s Row and the River so that small children can play there in relative safety?

**Notice of Motion (numbered item 18 for July 2013 Monthly Meeting):**

“That this Council take whatever action is necessary to secure our land at Maxwell’s Row, St. Nicholas Avenue and Boyle O’Reilly Terrace, Dundalk and also the public walkway along the town centre Section of the Castletown Riverside from the Newry Road Bridge to the Castletown River-Railway Bridge, which is a specific objective of our *Dundalk and Environs Development Plan 2009 – 2015* and which must consequently, under the provisions of Section 15 of the *Planning & Development Act 2000* (as amended), be secured by this Council by use of any means which are lawfully at our disposal, in order to facilitate the concerns of the members of St. Nicholas Avenue Residents’ Association”.

**REPLY:**

*As pointed out at the July 2013 meeting, there is an ongoing dispute with the adjoining land owner regarding site boundaries which prevents the fencing of the land. The Director of Services and Town Clerk advised that he is available to try and resolve the issue.*

**Notice of Motion (2) – The Taking in Charge of Coulter Place, Dundalk.**

**Proposed by Councillor E. O’Boyle**

**Seconded by Councillor O. Morgan**

“That our Executive Staff prepare and bring to Council a report detailing precisely what steps must be taken to secure the ‘taking in charge’ of the roads, sewers, water mains, public lighting, footpaths, fencing and public open space areas in the Coulter Place residential estate on the R177 Dundalk-Armagh Road”

**REPLY:**

*The developer had submitted an invalid application to take the estate in charge, which was returned to him on 22th July 2013, with a list of outstanding issues to be addressed*

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**257/13 DEFERRED NOTICES OF QUESTIONS – COUNCILLOR S BELLEW**

Please furnish the amount of all costs incurred by Dundalk Town Council in relation to:

(a) The 2008 BIDS proposal (referenced in Minute 204/08, statutory meeting of July, 2008);

**REPLY:**

*Drogheda Independent Co Ltd. €257.13*

*An Post €181.67*

*Dundealgan Press Ltd €742.94*

**And**

(b) The 2011 BIDS proposal (referenced in Minute 271/11, statutory meeting of

December, 2011);

Including, in each case, the costs of holding of the ratepayer plebiscite?

**REPLY:**

*An Post €492.01*

*Southern Advertising Ltd (ad. in 2 papers) €896.53*

*Dundealgan Press Ltd €571.07*

2. Please give details of the number and amounts of all payments made by or

on behalf of Dundalk Town Council to the Business Investment District Scheme Dundalk Limited (BIDS) company, or to any person or body purporting to act for or on behalf of that company, over the period from 23 May, 2013 to 22 July, 2013, inclusive.

**REPLY:**

*6th June 2013                 €6,500 (contribution to BIDS for An Táin Festival)*

*14th June 2013              €10,000*

*12th July, 2013              €10,000*

*Councillor Bellew expressed satisfaction witht he r*

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**58/13** **DEFERRED NOTICE OF QUESTION – COUNCILLOR C KEELAN**

1. Has the EPA an approximate date by which the old landfill site on the Newry Road can be developed into playing pitches?

**REPLY:**

*Some time ago, the Council reported that a settlement survey was required to progress the matter. LCC Environment Section as the Support Unit to Dundalk and District Area has been asked to arrange for such settlement survey and is being progressed. Meanwhile, the Landfill Manager has advised that EPA are currently undertaking a project on the uses of old landfill sites with focus on gas migration, protecting buildings located on and adjacent to old landfill sites. Accordingly, a direction from the EPA is expected once this report is available, which is likely to be early in 2014.*

*Councillor Keelan expressed satisfaction with the reply and asked who is carrying out the settlement survey.*

**259/13 RESOLUTIONS**

The resolutions were noted by the Members.

**260/13 CORRESPONDENCE**

The correspondence was noted by the Members.

**The meeting concluded with prayers @ 8.40pm**

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Minutes confirmed at Meeting

Held on the \_\_\_\_\_\_\_\_\_ day of November 2013

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**CATHAOIRLEACH**

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**CLEIREACH AN BHAILE**