

**Minutes of the Athy Municipal District Committee Meeting
Held on Monday, 21 July 2014 at 10.00 a.m.
Rathstewart Athy**

Members Present: Councillor M. Miley (Cathaoirleach), Councillors A. Breslin, M. Dalton
T. Redmond I. Keatley and M. Wall

Also Present: Mr J. Boland (Area Manager), Mr P Minnock (Director of Services),
S. Bookle (LCDC), D. O' Flaherty (Athy District Engineer), J Doyle,
(A/Senior Executive Officer), S Fitzpatrick (Administrative Officer),
G Perry (Senior Executive Officer), M Ahearn (Athy Customer Service),
M. Dalton (Meetings Administrator) and J. Hannigan (Committee
Secretary)

A minutes silence was observed at the start of the meeting for all victims of bombings.

AY01/1407

Minutes and Progress Report

The committee considered the minutes of the meeting held on 16 June 2014, and the minutes of Athy Town Council meeting of the 21 May 2014, together with the progress report.

Resolved on the proposal of Councillor Dalton seconded by Councillor Wall that the minutes be confirmed and taken as read. The progress report was noted.

Matters arising from Minutes and Progress Report

Car Park Kildangan.

The council must meet the landowner to progress this.

Sewage issues at 1-6 Timolin

The councillors expressed surprise that the works had been delayed because of builders holiday

AY02/1407

Southern Distributor Road

It was agreed to take items 2, 4, 8 and 9 on the agenda together as they all related to the Southern Distributor Road:

Councillors Breslin & Wall (Item 2)

That given the recent positive news from the Minister for Transport regarding the proposed Southern Distributor Road in Athy, can the council confirm if they have finalised a design team for the road and what plans they have put in place to ensure that this badly needed piece of infrastructure for the town can be submitted for planning permission in the quickest possible time.

Councillor Miley (Item 4)

That the Council give the municipal district a full update on the position of the Southern Distributor Road for Athy including funding allocated, date for land acquisition, date for start of construction and timescale for completion.

Councillor Keatley (Item 8)

That the council update the Athy Municipal District members on the progress on the Southern Distributor Road this month and on a monthly basis.

Councillor Keatley (Item 9)

That the Council detail the personnel resources being dedicated to the delivery of the Southern Distributor Road.

The meetings administrator read a report from the Transport department informing the members that Kildare County Council had been, and would continue to be, in regular contact with the Department of Transport (DTTas) regarding the progression of the Athy Southern Distributor Road project. The DTTas had indicated that funding was available for the planning phase of this project (CPO) and it was hoped to bring that phase to conclusion in 2016. In order to commence the planning phase it would be necessary to put in place certain resources, i.e. the recruitment of a project team and procurement of an Engineering Services contract, and this process would commence shortly.

Councillor Wall expressed his concern at this response, they were advised €1 million was available for the planning stage of this most important piece of infrastructure and the council had only drawn down €200,000 of this. He further enquired as to why it was going to take a further 2 years to put together the project.

Councillor Breslin expressed dismay at delay as Minister Howlin had committed to this, and it was a priority in South Kildare . Councillor Dalton enquired as to the communication difficulties between the Transportation department and the NRA . A project of this size would lift the economic pall that hangs over the area. Councillor Redmond concurred with the previous two councillors and asked that this project be a number one priority for the next five years.

Councillor Keatley said that Athy was falling behind and roads needed to be built. He felt that the council had the capabilities of delivering on large projects and this project needed to be driven on. Councillor Keatley also expressed his dissatisfaction with the reports submitted on his motions.

Councillor Miley advised this was the number one project for Kildare. The report needed to state where the project was at and where it was going and the report given to the members was not acceptable.

Mr Boland noted the concerns of the members and promised to convey this to the Chief Executive, Director of Services for Transportation and senior officials. It was agreed that the members attend an urgent meeting with the Chief Executive and the Senior Executives and Engineers from Transportation before Friday 25 July. The report was not accepted by the members.

Resolved A meeting was arranged with the Chief Executive for Friday 25 July.

AY03/1407

Back Lane, Drogheda Street

The members considered the following motion in the name of Councillor Wall.

That the council immediately move to carry out remedial work on the back lane at Drogheda Street, Monasterevin.

The meetings administrator read a report from the Transportation Department dated the 16 July that the Western Area Office Roads Crew would add this works to the list for attention. The report was noted.

Resolved following a query from Councillor Wall on how long it would take to get this work done, Mr. O'Flaherty undertook to ascertain the timescales involved.

AY04/1407

Jetties near the Courthouse

The members considered the following motion in the name of Councillor Miley.

That the council move immediately to take in charge the jetties near the courthouse in Athy.

The meetings administrator read a report from the Planning Department dated the 16 July that the ownership of this section of the riverbank was unclear and the matter of the possible taking in charge of the jetties would be further investigated, which will involve discussions with Waterways Ireland or other bodies as appropriate.

Councillor Miley said that it has already been passed by Athy Town Council to have the jetties taken in charge. Mr Boland reported to the members that this stretch of road was in the charge of Kildare County Council. Waterways Ireland are willing, in principle, to take over the section concerned. It is necessary that a meeting be held with the Barrow Drainage Committee, Inland Waterways, Waterways Ireland and the council so that an agreed strategy can be drawn up for the taking over of that section. The report was noted.

Resolved that a meeting be arranged with interested parties through the Community & Cultural Department and that the members be advised of date for same.

AY05/1407

Provision of Directional signage

The members considered the following motion in the name of Councillor Dalton.

That consideration be given to the provision of directional signage at Sheriff Hill, Moone and Bolger's Cross, Grangenolvin.

The meetings administrator read a report from the Transportation Department dated 16 July advising that the Athy Municipal District had been undertaking a signposting program within the district over the last number of years. At this stage all the Regional roads had been

completed. At the present time they were concentrating on the Local Primary routes. They had tried not to erect individual signage at junctions as there was very little continuity.

Councillor Dalton accepted the report but felt there was a need for signage as there had been a number of near misses and accidents at these locations and he also felt that the road markings are unclear. He was supported in this by Councillor Keatley. Mr. O'Flaherty said that continuity in relation to sign posting has been introduced.

The report was noted

AY06/1407

Provision of Speed Ramps

The members considered the following motion in the name of Councillor Dalton.

That consideration be given to the provision of speed ramps at Borradderra, Monasterevin and to the provision of additional speed ramps at St. Evin's Park, Monasterevin.

The meeting administrator read a report from the roads and transportation department dated 16 July that traffic calming was provided for in St Evin's Park on the main straight sections of road at the entrance of the estate. The area office did not have any plans to add to the existing traffic calming scheme. In relation to Borradderra, the 2014 Budget did not allow for the provision of additional traffic calming in the Western Engineering Area.

Mr O'Flaherty asked the members to submit a list of requests where they believed ramps were required and such cases would be dealt with on an individual basis depending on the availability of funding. There needed to be a structure put in place and funds allocated in the 2015 budget to deal with requests for traffic calming.

Councillor Keatley enquired if there was a less expensive option available and Mr. O'Flaherty advised that other options may prove to be just as expensive and that traffic calming needs to be done on a priority basis. A ramp would cost approximately €2000 and should last for up to 10 years.

Resolved: That the members draw up a list of locations where traffic calming measures may be required and submit same to MD Engineer.

AY7/1407

Up to date report on proposed footpaths

The members considered the following question in the name of Councillor Wall.

Could the council confirm the up-to-date position with the proposed footpaths at Shanrath, Athy and to Castlevilla Soccer Club, Castledermot?

The meetings administrator read a report from the Transportation Department dated 16 July that the work has commenced on Shanrath footpath, Athy. Discussions were under way to progress works with Castlevilla Soccer club, Castledermot.

Mr O'Flaherty informed the members that works at Shanrath had started last week and that it should be completed in the next three to four weeks. In relation to Castledermot, Mr. O'Flaherty said that he is currently in negotiations with landowners and if these were successful he expected the works to be completed by mid September. He further advised that the NTA will not finance the purchase of property but that other options were being investigated.

The report was noted.

AY8/1407

Safety Audit Duneaney Cross

The members considered the following question in the name of Councillor Wall.

Could the council immediately carry out a safety audit on Duneaney Cross, Kildangan given the concerns expressed by local residents.

The meetings administrator read a report from the roads and transportation department dated 16 July which advised that in 2011/12 Kildare County Council carried out alterations to the junction following receipt of a grant from the NRA in relation to low cost safety measures. The works involved advanced warning signs and road markings of the junction to improve

visibility for motorists. Currently, visibility for motorists exiting the Killeen side of the junction is poor. The area office would examine the junction to see if further measures could be carried out to improve the current situation. Due to budget constraints the measures being considered would be low cost. In the event of land purchase or significant realignment being required, external funding would have to be sought.

Councillor Wall asked that this be prioritised as locals are very concerned, and those not from the area travel straight through the junction. He asked if the provision of rumble strips might be considered.

The report was noted.

AY9/1407

Footpaths R 148

The members considered the following question in the name of Councillor Breslin Could a timeframe be given for the start and completion of the footpaths on the R148 Athy?

The meetings administrator read a report from the roads and transportation Department dated 16 July informing the members that it was hoped to have the footpaths completed before the schools start in September. The report was noted.

AY10/1407

M9 NRA Construction works

The members considered the following question in the name of Councillor Miley.

Could the council update the municipal district with the plans that the NRA are presently constructing on the M9 Motorway? That the Athy Municipal District is given a full update on costs to date and estimated costs to completion. That we are presented with the present plan for the present contract. That we ask the Minister for Transport, Tourism and Sport for the feasibility study that he promised the community at large 14 months ago?

The meeting administrator read a report from the roads and transportation department dated 16 July that the purpose of the works being carried out at the moment was to give certainty of access to the Service Area Site on the West side for construction purposes for the Motorway Service Area operator (when appointed). It was currently envisaged that this appointment would be made early in 2015. In relation to the East side, ground conditions necessitate construction of embankments over a long period and this would be commenced

shortly. The final decision on inclusion of the flyover (structure) in the current works programme had not been made as it depended on various factors including finance available to the Authority as time elapses.

Councillor Miley expressed his disappointment with this report. . A commitment had been given by the department of Transport that a study would be carried out before any decisions were taken to build a bridge. Councillor Miley wanted a letter sent to the Minister looking for a copy of the feasibility study. He further advised that there was a private investor in Tinryland who was prepared to develop a site there and asked how much rates was the NRA going to pay and where was the sewerage going to go. Councillor Keatley informed the meeting that positive messages had come from a meeting held 14 months ago.

Resolved on the instruction of the members that a letter is be sent to the Department of Transport seeking a copy of the feasibility study that was promised at the meeting facilitated by Martin Hayden TD 14 months ago.

AY11/1407

Footpaths at Walterstown Nurney

The members considered the following question in the name of Councillor Dalton.

Can funding be provided for the upgrade of the footpaths at Walterstown, Nurney village?

The meetings administrator read a report from the transportation department advising that the municipal district office currently did not have funding available to carry out the works as requested. This issue would be reviewed and monitored. It should also be noted the area office was aware of parking issues (raised by Councillor's) in this immediate area. Due to the nature of the issue the municipal district office asked for the advice of the Councillor's on how they wish to proceed in resolving the parking issue.

Following discussion the members requested that "no parking" signs be put up immediately. Councillor Dalton expressed disappointment that there is no funding available and Councillor Keatley felt that a new footpath was needed. The report was noted.

Resolved to write to the Area Engineer and request that "No Parking" sign by erected.

AY12/1407

Invitation to State and semi State Bodies to attend meetings

The following motion in the name of Councillor Redmond was discussed by the members. What plan had this municipal district on bringing in groups like CIE and the ambulance managers who never turned up at previous invited meetings?

Following discussion it was agreed by the members that an invitation be sent to the HSE requesting they attend the next municipal district meeting and if they did not respond the matter was to be followed up through the Mayor's office.

Resolved Letter to Issue to HSE requesting they attend the next meeting.

AY13/1407

Odour in Townparks Area

The following motion in the name of Councillor Breslin was considered by the committee That a report and remedial action be taken to eradicate the problem of odours in the Townspark area, Athy.

The meetings administrator read a report from the water services department dated the 16 July that the wastewater operations section has investigated the matter. No odour was detected at the time of investigation and the origin of the problem, therefore, was not clear. The wastewater network was thoroughly checked and was found to be free-flowing and functioning in all respects. In any event, odours from wastewater are usually associated with foul pumped rising mains whereas, the network in this area is by gravity flow. As the pipes were free flowing and have natural air entrainment, the conditions that might give rise to septicity did not arise. They have requested the Sewerage Caretaker, Mr. Joe Byrne to liaise with Councillor Breslin. The matter continued to be monitored. If it persisted, the Environment Section could also be requested to investigate.

Resolved: Further investigation to be carried out by water services on this issue.

AY14/1407

Broadband in South Kildare

It was agreed to take the following two similar motions together.

Councillors Redmond

That this municipal district investigate why broadband services in this municipal district are less than adequate. Many families and businesses are without the use of the internet while the north of the county has been advancing in leaps and bounds with internet provision.

Councillor Miley

In light of the announcement by the Minister and the ESB in relation to broadband and the lack of any upgrade in the Athy Municipal District, could the council inform the Athy Municipal District of any future upgrades of urban and rural broadband plans for our area?

The meetings administrator read a report from the Planning Department dated 16 July that the council would pursue this issue with the relevant state authorities and will bring an updated report to a future meeting of the Athy Municipal District.

The members referred to the need for a reliable fast broadband service in the south of the County. The district had been let down by the service providers and it is affecting all areas including children's education, property values etc.

Resolved that a letter be sent to Department of Communications seeking details of their plans for supply of Broadband services to South Kildare and asking them to attend the September meeting. It was also agreed that Bernard Higgins, Head of IT, be invited to the next meeting to discuss this issue.

AY15/1407

Taking In Charge update

The following motion in the name of Councillor Breslin was considered by the committee. That a report be given on the up-to-date position of taking Rheban Manor and Hollands estate in charge?

The meeting administrator read a report from the Planning department dated 16 July that the taking in charge of estates in the former town council areas was being integrated into the work programme for the county. When this was completed a report will be prepared and issued to the elected members of the council.

The report was noted.

Resolved that this item to be placed on action plan for update.

AY16/1407

Housing estates to be taken in charge

The following motion was considered by the members in the name of Councillor Keatley. Could the council give the Athy Municipal District members a list of housing estates to be taken in charge in the next six months in the Athy area?

The meetings administrator read a report from the planning department dated 16 July that Section 180 of The Planning and Development Act 2000 as amended sets out the statutory process for the taking in charge of housing developments. The Local Authority must receive a formal request to take in charge a development from the person carrying out the development or in certain circumstances from a majority of the owners of the houses in question. Since 1/1/2014 when Irish Water was established, if requested to take a development in charge, a local authority shall not take in charge sewers, water mains or connections but shall request the relevant Water Authority (Irish Water) to do so. Irish Water had confirmed that it will not be in a position to treat requests to take in charge sewers, water mains or connections as valid applications for taking in charge until the Irish Water taking in charge protocol had been finalised.

Considering these current arrangements, it is very unlikely that any developer will request the council to take a housing development in charge if the developer is to remain responsible for the sewerage and water mains infrastructure. At present, the council had received requests in various formats from house owners in seven estates in the Athy Municipal District to take the developments in charge. Each of the requests received from the owners of the seven estates were made on the basis that the Water Services infrastructure was to be taken in charge. Before the council could proceed with the taking in charge of any of these estates at the request of the house owners, it would have to be on the basis that the house owners know that the Water Services infrastructure would not be taken in charge.

Councillor Keatley questioned the delay in agreeing the protocol with Irish Water. He asked for a list of the estates that had requested to be taken in charge and requested that this item be left on the agenda. The report was noted.

Resolved that the item remain on the agenda and to proceed with protocol to have estates taken in charge.

AY17/1407

Presentation on Local Community Development Committee (LCDC)

Mr. Minnock gave a briefing to the committee which included its membership, who it is governed by, progress to date, social inclusion issues. There had been an intensive programme of meetings to get up and running to develop a six year plan for the county. He said that as membership of this committee had been increased from 17 to 19, this would be re-ratified at the July monthly meeting of the full Council. Ms Bookle asked the members for key issues that they would expect to see in the plan and the members listed issues such as poverty, amenities, jobs, infrastructure, housing needs, expansion of broadband, tourism etc.

AY18/1407

Town Promoters Group

The following question in the name of Councillor Dalton was considered by the members. Could consideration be given to the rebranding of the former Town Promoters Group, incorporating the new municipal area, including the towns of Monasterevin and Castledermot, as the South Kildare Promoters Group?

The members agreed that all of the committees that previously operated under Athy Town Council needed to be looked at.

Resolved that this item to be left on the agenda for further consideration by the members.

AY19/1407

RAS Housing

The members considered the following question in the name of Councillor Redmond. Can the committee get a breakdown on RAS housing in our municipal district? This breakdown should include information on occupied or unoccupied and how long, if unoccupied, since last resident.

The meetings administrator read a report from the housing department that at present the Council had 620 units contracted under the Rental Accommodation Scheme. 531 units were with private landlords and 109 units were through the voluntary/co-operative sector. At present, there were 72 units in the Athy Municipal District. The Rental Accommodation Scheme involved a tri-part agreement between the landlord, tenant and local authority whereby the landlord was paid an agreed sum based on 92% of the market rental rate of the property for a period in excess of four years. The landlord made the property available to a

qualified applicant nominated by the local authority while the tenancy comes under the terms of the Private Rented Tenancies Acts and the tenant makes a differential rent payment to the local authority. Where properties became vacant, the landlord was obliged to inform the local authority of the vacancy and properties are re-inspected by an Environmental Health Officer prior to reallocation to ensure compliance with the private rented standards. In accordance with the scheme, landlords were obliged to have properties reoccupied within one month of being vacated or the local authority may discontinue payment for the property, or seek reimbursement where the landlord has not complied with the terms of their contract. At present, there were contractual issues with a number of units in the scheme which the Council was attempting to resolve, however landlords were substantially in compliance with the scheme.

Resolved following a discussion by the members on this issue, that this item remain on agenda for progress.

AY20/1407

Update on financial and budgetary matters.

The meeting administrator read a report from the Finance department dated 16 July advising the members that a report was presented to the full Council at the meeting on 30th June 2014. Financial reports are prepared and submitted to full council quarterly. A meeting of the Finance Committee has been arranged for Monday 14th of July at 3pm to commence discussions on the preparation of the 2015 Revenue Budget.

The key changes to the 2015 budgetary process include:

- New budget strategy decisions (e.g. variation on LPT; General Municipal Allocations; Base Year Adjustment on rates; Vacancy refund %, etc)

- Interaction of municipal districts and local authorities in the budget process

- Timing of the budget

The expected timelines are:

JULY – AUGUST

Introduce Councillors to the new budget strategy considerations, i.e.

- Local Property Tax adjustment factor

- General municipal allocation

- Vacancy refunds %

- Base year adjustment

Initiate public consultation on LPT

SEPTEMBER

Councillors to agree draft budgetary strategy

If a local adjustment factor on the LPT is agreed

Council resolution is required

Notify the minister in writing

Notify Revenue Commissioners

Report to the Dept of Public Expenditure and Reform

OCTOBER

Chief Executive to divide the agreed GMA between the municipal districts

Municipal district councillors to consider and adopt individual draft budgetary plans

Chief Executive to take account of any adopted draft budgetary plan when finalising Kildare County Council's draft budget.

NOVEMBER/DECEMBER

Prescribed period for budget meeting

Budget adopted

The report was noted.

AY21/1407

Benefit in Kind scheme for new businesses

The members considered the following motion in the name of Councillor Redmond.

That this municipal district of three very large urban areas with over 31,000 people seek to introduce the BIS scheme discussed at the council a number of years ago. This is a reduction in our rates for new business and will hopefully stimulate the southern region of this county where currently almost 50% of all commercial and industrial premises are closed. I ask that we become a pilot area for this scheme and that we get the support of this municipal district, full council and the minister in this proposal. The future of this part of the county depends on outside the box thinking and although a similar motion was placed on Athy Town Council a number of years ago and while it was voted down, I believe it's an emergency now.

The meetings administrator read a report from the finance department stating that the basis for setting and charging commercial rates is set down in statute and regulation. The annual rate on valuation is set by the Council each year at its Budget meeting. The valuation of

relevant property is set by the Valuation Office. Regrettably any scheme involving incentives or discounts on commercial rates for a particular customer group is not included in the legislation. This motion could be considered as a submission in the development of the Community and Economic Plan for County Kildare currently being prepared as part of the remit of the local community development committee.

The members took issue with the wording of Councillor Redmond's motion stating that a similar motion which was previously placed before Athy Town Council could not have been voted on because it was illegal and that the wording of this motion needed to be corrected.

Councillor Miley said that a steering group had been set up with the Chamber of Commerce and other groups in the town and we need to try and work with them in a fair, legal and valid way and felt it was premature to at this stage to support this motion. He further advised that if they could come up with a scheme they wanted it piloted in Athy but there was work still to be done. The steering group set up between the members and the chamber needed to bring forward a policy document on this and the members need to work together on this.

The report was noted.

AY22/1407

**To consider payment of allowance to Cathaoirleach of municipal district in
accordance with circular letter LG 12/2014.**

It was agreed on the proposal of Councillor Keatley and seconded by Councillor Wall that the Cathaoirleach be paid the full allowance of €6000 payable under circular letter LG12/2014.

The next meeting is to be held in Athy on Monday 21 September at 10.00 am.

The meeting concluded.