

Minutes of the Athy Municipal District Committee Meeting

Held on Monday, 24 September 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 L Dunne (A/Area Manager), Mr J Coppinger (Senior Engineer), D O' Flaherty (Athy District Engineer), G Duff, (A/Senior Executive Officer), V Cooke (A/Senior Executive Officer), M McLoughlin (A/Senior Executive Officer), B O'Gorman (Administrative Officer), M Ahearn (Athy Customer Service), A Aspell (Meetings Administrator), D Morgan (Athy Municipal District Office) and J Hannigan (Committee Secretary)

AY01/1409

Minutes and Progress Report

The committee considered the minutes of the meeting held on 21 July 2014 together with the progress report.

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

Matters arising from Minutes and Progress Report

Dominican Order, Athy

The cathaoirleach expressed his sadness at the announcement that the Dominican Order were to leave Athy after nearly 1,000 years of service to the people of Athy. He asked that a letter be sent to the Dominican Order and lay staff thanking them for their work. Councillor Dalton said it was a sad day for the town and noted that it was the Dominicans' who set up and ran the penny bank. Adding that the decision to leave was made at national level. Councillor Wall also thanked the Order for their work and stated that the Dominican Friary was the second iconic building after White's Castle in Athy. Councillor Redmond also thanked the Order and their staff for their work for the town. Councillor Breslin thanked the order and reminded the members of the work the order did for St Vincent's Hospital. Councillor Keatley wished to be associated with the wishes of the other members.

Kildare County Council

It was agreed that a letter issue on behalf of the members of the municipal district thanking the Dominican Order and their staff for their work for the people of Athy. An invitation also to be extended to the Dominicans' to meet with the members to discuss what the members can do to assist and also to discuss future plans for the site and services that they provide.

Southern Distributor Road

It was noted that Mr Coppinger had attended a meeting on the 19 August 2014 with the Chief Executive and the members. Mr Coppinger informed the members that an executive engineer had been appointed to the project and an application has been submitted to the Department of the Environment, Community and Local Government for sanction to recruit a project engineer. Mr Coppinger suggested that he brief the members every 3 months on progress.

Councillor Wall requested that a briefing be given every month and that this item be a permanent fixture on the agenda for the municipal district meeting. This was agreed by the members.

Mr Coppinger explained that a project of this nature is a slow process and outlined the procedure involved. Given the length of time since previous studies, and more recent changes in legislation, the screening for the scheme will need to be revisited. This will include a review of surveys, environmental impact assessments, consultation with third parties, such as Irish Rail, review of traffic patterns, traffic levels and traffic growth rates. It is critically important that once the scheme is submitted to An Bord Pleanála that all aspects of the scheme have been properly assessed.

The members were very disappointed to hear that projects such as this can take anything from 6 to 10 years to complete. The members requested confirmation that funding is available to complete this project. Mr Coppinger stressed that this was an indicative timeframe and that every effort will be made by Kildare County Council to ensure that the project is delivered in the quickest possible timeframe. As requested by the members Mr Coppinger agreed to provide updates on a monthly basis, however, he did indicate that progress may be slow in the initial stages.

Resolved that a meeting be scheduled in Athy for the municipal district members to meet with the Chief Executive, the A/Director of Services for Roads, Transportation and Public Safety and the Area Director.

Broadband in South Kildare

Correspondence received from the Department of Communications, in response to a letter submitted on behalf of the members was noted. Councillor Keatley stated that every blackspot area in South Kildare must be mapped.

Jetties

Mr O’Gorman advised the members that a meeting has been arranged for next week with Inland Waterways to discuss the taking in charge of the jetties and that funding was available for this. The members requested that the status of insurance for the jetties be confirmed.

Resolved: that this item remain on the progress report and that Mr O’Gorman update the members following his meeting with Inland Waterways.

Bodies associated with former Town Council

The meetings secretary informed the members that some committees already have nominees appointed from Kildare County Council, this arrangement being in place pre abolition of the town council. Where companies require additional appointments or appointments from Kildare County Council they need to submit revised articles of associations to provide for such appointments. Nominations to other bodies/committees will need to be reviewed on a case by case basis as it may not be necessary to make formal appointments through the municipal district. Mr Dunne clarified for the members that funding set aside by the town councils for organisations is secured. The members agreed that they would arrange to meet with local interested groups.

Car Park, Kildangan

Resolved that the Western Area Engineer contact the landowner within two weeks of this meeting and report to the next meeting of the municipal district.

Odour in Townparks Area

Councillor Breslin did not accept that the problem relates to the internal plumbing at a private house.

Resolved that this problem be reinvestigated.

AY02/1409

Footpath from Friary Estate, Castledermot, to Scoil Diarmada

It was agreed to take items 2, 5 and 13 on the agenda together which related to issues in Castledermot.

Item 2 - The committee considered the following motion in the name of Councillor Breslin. Further to a recent meeting with the Friary Residents Association, Castledermot that the council address the outstanding issues, mainly the securing of funding and commence, as per the planning permission granted, the footpath from the Friary estate to Scoil Diarmada, Castledermot.

Item 5 – The committee considered the following motion in the name of Councillor Miley. That the council put the plan in place for the restoration of existing footpaths in the village of Castledermot and gives the municipal district members an update on the proposed path from the village to Castle Villa soccer field and investigate extending this to the graveyard.

Item 13 – The committee considered the following motion in the name of Councillor Wall. That the council update its members on the taking in charge and completion of the Friary housing estate in Castledermot.

The meetings administrator read reports from the roads and transportation department and the planning department informing the members that the Council had included the provision of a new footpath from the Friary housing estate to Scoil Diarmada, Castledermot as a project for consideration by the NTA for their 2015 programme. The restoration of existing footpaths in Castledermot village (as is the case in other towns and villages) is dependent on funds being made available to carry out this work. The preparatory work of taking out the hedges on the proposed footpath at Castle Villa has begun. It is hoped to continue these preparatory works over the coming weeks. This should lead to the construction of the footpath in the latter part of the year. The plan was for the footpath to connect Castle Villa soccer club with the existing infrastructure in Castledermot. There are no funds to continue this footpath to Coltstown cemetery.

Building Control staff had met with the developer of The Friary on 4 September 2014. At the meeting the developer was instructed to clean up the undeveloped part of the site as a matter of urgency. These works commenced on 8 September 2014.

It was agreed at the meeting that the developer would put in place a Site Resolution Plan (SRP) to bring the occupied part of the estate up to taking in charge standard. The council will revert to the members and the residents when the SRP is received.

The members welcomed the reports and asked that the developer give a time scale for the works.

Resolved: That the developer be requested to outline the timeframe for completion of the works.

AY03/1409

Flooding issues at Belan, Moone

The following motion in the name of Councillor Dalton was considered by the members: That works be carried out to alleviate the serious flooding issues at Belan, Moone which affect a number of households in the cul de sac.

The meetings administrator read a report from the transport department dated 18 September 2014 informing the members that that this cul-de-sac was created as a result of the M-9 motorway scheme in 2009. The Council has carried out drainage, landscaping works and road resurfacing on this cul-de-sac. There are no serious flooding issues at this location.

Councillor Dalton, supported by Councillor Keatley, did not agree that there were no serious flooding issues. Mr O'Flaherty explained that water was pooling at some locations, but no premises had flooded.

Resolved on the proposal of Councillor Keatley, seconded by Councillor Dalton, that a CIS scheme be considered for this location.

AY04/1409

Flooding Issues at Plunketstown Castledermot

The following motion in the name of Councillor Dalton was considered by the members: That works be carried out to alleviate the serious flooding issues at Plunketstown, Castledermot.

The meetings administrator read a report from the roads and transport department dated 18 September 2014 informing the members that that work was carried out in 2013 on a flooded area in Plunketstown, adjacent to Dillon's house. The result of this work has been

successful. There is another section of road at Plunketstown, included in this Autumn/Winter schedule of drainage works.

Resolved: That the report be noted.

AY05/1409

Resurfacing R418

The following question in the name of Councillor Breslin was considered by the members:
When will the resurfacing work on the R418 Castledermot to Tullow Road commence?

The meetings administrator read a report from the roads and transport department dated 18 September 2014 informing the members that that this work will commence circa end of September/early October.

Resolved: That the report be noted.

AY06/1409

Loading Bay required at the back of Greaney's Butchers

The following question in the name of Councillor Dalton was considered by the members:
Could a loading bay be provided at the rear of Greaney Butchers, Canal Side, Athy?

The meetings administrator read a report from the roads and transport department dated 18 September 2014 informing the members that this would have to be considered as part of any alteration of the parking bye-laws.

The members expressed their dismay that such a simple change could not be effected without a full review. Mr Duff informed the members that Section 36 of the Roads Act was so specific that the council had written to the Department of the Environment, Community and Local Government seeking to have it modified. The department has refused the request, however, further to a request at full council, a meeting has been requested with the Oireachtas Committee on Transport to pursue this matter.

The members agreed to wait for the outcome of the proposed meeting with the Oireachtas Committee.

Resolved: That the report be noted.

AY07/14/09

Temporary Traffic Lights, Castlemitchell.

It was agreed to take items 8 and 9 on the agenda together which relate to temporary traffic lights at Castlemitchell.

Item 8 – The committee considered the following question in the name of Councillor Wall:
Can the council confirm the up to date position with the temporary traffic lights at Castlemitchell, Athy and what plans were there for the removal of these lights and a permanent safe solution to be found?

Item 9 – The committee considered the following motion in the name of Councillor Miley:
Can the council give the municipal district an update on progress made on the temporary traffic lights in Castlemitchell?

The meetings administrator read a report from the roads and transport department dated 18 September 2014 informing the members that the Athy Municipal District Office has been in discussion with the relevant landowners with a view to solving the issue of the road realignment at Castlemitchell. The structural stability of the road was compromised after a road traffic accident at this location. The traffic lights were erected to ensure traffic was diverted away from the weakened road lane. The road cannot be opened to two lane traffic until this issue has been resolved. It is hoped that the necessary land acquisition can be resolved in the near future. When the land issue has been resolved, the council plans to structurally improve the road and remove the lights.

While appreciating the complexity of the situation the members noted their concerns with the length of time taken to bring this matter to a resolution.

Resolved: That the report be noted.

AY08/1409

Derelict Site adjacent to Friary Estate, Castledermot

The following motion in the name of Councillor Breslin was considered by the members:

That the council under the Derelict Sites Act or under other relevant regulations have the derelict site adjacent to the Friary estate, where planning permission had been refused for Phases III and IV of this estate, brought up to an acceptable and safe standard.

The meetings administrator read a report from the environment department dated 18 September 2014 informing the members that the site has been inspected. The site is in the process of being cleaned up under the supervision of the Building Control section of the council. The foundation footings are being demolished and there are no dangerous building materials on site. All building materials will be placed into compounds on site and weeds removed.

Councillor Breslin stated that the residents were disappointed that the developer was allowed store materials on the site.

Resolved: That the report be noted.

AY09/1409

Derelict Sites Ard a Laoi Estate Castledermot

It was agreed to take items 11 and 12 on the agenda together which relate to derelict sites in Castledermot.

Item 11 – The committee considered the following motion in the name of Councillor Wall: That the council update its members on the derelict sites at Ard a Laoi housing estate, Castledermot including the safety concerns raised by the residents on numerous occasions.

Item 9 – The committee considered the following question in the name of Councillor Miley: Can the council move on derelict buildings and abandoned sites that were a danger to the public in the Castledermot area.

The meetings administrator read a report from the environment department dated 18 September 2014 informing the members that the site at Ardan Na Coille was entered in the derelict sites register in January 2014. A notice under the dangerous structures legislation has also been served on the owner. A further inspection will take place to determine if works in respect of the dangerous building notice have been undertaken. The inspection will also examine if any waste material remains on site. The proposed creche site in Ard a Laoi has also been inspected. The owner has not been identified but an inspection deems the site not to be derelict. The site at Coill Diarmada was entered in the derelict sites register in March 2014.

Further to questions from the members, particularly with regard to the Shamrock Bar in Castledermot, Mr Dunne advised the committee that an inspection will be carried out in the following week and that a letter has been sent to the owner of the Shamrock Bar and that the council is awaiting a response.

Resolved: That the members be updated on progress following inspection.

AY10/1409

List of Housing Estates to be Taken in Charge

The following adjourned question in the name of Councillor Keatley was considered by the members

Can 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 referred to a report with regard to taking in charge of estates given to members at the meeting of Kildare County Council on Monday, 22 September 2014. The report stated that, in the absence of a taking-in-charge protocol from Irish Water, the council is prepared to draw up a new template for the taking in charge document that is provided to residents requesting to have their estate taken in charge in line with the provisions of Section 180. This will reflect the current situation and clearly set out both the infrastructure that will be taken in charge and identify the water services infrastructure that will not be taken in charge by the County Council. The council proposes to resume the taking in charge of estates at the request of the residents from 1 November 2014 on the basis of the proposed new document if a protocol for taking water services infrastructure in charge by Irish Water is not in place by then. When the Irish Water protocol is finalised, the council's Taking in Charge Policy Document will be reviewed to reflect this and the new arrangements for taking estates in charge.

Ms Cooke confirmed that letters will issue to interested parties outlining the taking in charge process to be undertaken by Kildare County Council as and from 1st November and explaining that, in the absence of the Irish Water protocol, the water and sewerage infrastructure cannot be taken in charge.

Resolved: That the report be noted.

AY11/1409

Monthly Report on Housing Issues

It was agreed to take items 16 and 19 on the agenda, in the name of Councillor Redmond, together which relate to housing issues.

Item 16 – That this municipal district be circulated with a monthly report on housing issues in its remit to include the following:

- Identification of housing needs
- Amount of homeless and new applications received
- Amount of repairs carried out
- The number of vacant housing units and timeline involved in filling these units
- Number of evictions.

Item 19 - 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 referred to reports from the housing department dated 18 September 2014 outlining statistics in regard to applicants on the housing waiting list, homelessness, and rental accommodation. At present there were 6,222 applicants on the social housing waiting list assessed for social housing. The PASS system provides figures on homelessness for the mid-east region. At present there were 23 persons in homeless accommodation in Co Kildare. 266 applications for social housing were received in August 2014.

The members informed the meeting that it was vital that houses be turned around for letting as quickly as possible. There had been incidents of vandalism to unoccupied houses the previous week. The individuals who carried out these acts and squatters need to be prosecuted. Mr McLoughlin advised the members that there had been 266 applications for housing in August. He also highlighted improvements in the turnaround time for vacant dwellings.

Resolved: That the report be noted.

AY12/1409

Making of Bye Laws to restrict Illegal Activity.

The following motion in the name of Councillor Miley was considered by the members:

That the council develop bye laws to restrict the illegal parking of temporary dwellings and horses being kept on public properties, including illegal parking on private property in the Athy Municipal District and this behaviour would be taken into consideration for any future housing in the county of Kildare.

The meetings administrator read a report from the housing department dated 18 September 2014 informing the members that the legislation covering unauthorised parking in public areas was governed by existing legislation under Section 10 of the Housing (Miscellaneous Provisions) Act 1992 as amended by Section 32 of the Housing (Traveller Accommodation) Act 1998 and Section 21 of the Housing (Miscellaneous Provisions) Act 2002. Legislation in relation to impounding of stray horses was covered by The Control of Horse Act 1997.

Unauthorised developments on private land were governed by the Planning and Development Act 2000 as amended. Bye laws may be made under Section 30 of the Sanitary Services Act 1948, however the purpose of a bye-law is to address specific issues in a specific area not catered for in existing legislation. The allocation of social housing was carried out in accordance with the Scheme of Letting Priorities and was based on housing need solely.

The members expressed their dissatisfaction and frustration with the inaction and length of time it takes to deal with horses being kept in council properties and allowed to stray all over green areas. They also want swifter action taken against illegal encampments. The approach to this should be multi agency.

Resolved that a meeting be arranged with An Garda Siochana and the relevant departments within Kildare County Council to progress action in this regard.

AY13/1409

Town Promoters Group

The following adjourned question in the name of Councillor Dalton was considered by the members:

Kildare County Council

Can 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 meetings administrator read a report from the Community and Enterprise Department informing the members that the matter is currently being considered by Community and Enterprise a report will issue to the members when this is complete.

Resolved: That the report be noted.

AY14/1409

Greenhills Residents Association

The following question in the name of Councillor Wall was considered by the members:

Can the council, its housing and environment sections continue working with Greenhills Residents Association, Athy in developing and continuing the great work of the committee to date?

The meetings administrator read a report from the Housing Department dated the 18 September 2014 informing the members that they work closely with all residents' associations of local authority estates and will examine what support can be given to the association as part of its 2014 programme.

Resolved: That the report be noted.

AY15/1409

Draft Budgetary Plan

The members agreed to meet on Monday, 6 October at 2.00 pm in Aras Chill Dara to discuss the budgetary plan for Athy municipal district.

AY16/1409

Local Property Tax

The following question in the name of Councillor Redmond was considered by the members:

What do the residents of Kildare get for paying their property tax

The meetings administrator read a report from the finance department dated the 18 September 2014 advising the members that the property tax paid by residents of Kildare was be used to fund the services provided by Kildare County Council. Receipts from property tax

Kildare County Council

were paid into the local government fund and redistributed by the Minister for Environment, Community and Local Government to the local authorities. The local government fund for Kildare County Council was used along with other income to fund the services provided by the council which were not funded by specific grants. The annual revenue Budget outlines the income and expenditure of Kildare County Council and the services provided. The 2014 revenue budget is available on the council's website.

Councillor Redmond stated that it was not clear how the funds were spent but will raise this issue at the budget meeting on 6 October 2014.

Resolved: That the report be noted.

AY17/1409

Civic Reception

The following motion in the name of Councillor Redmond was considered by the members: That this municipal district hold a civic reception for the scout group founder in Athy, Aiden Prendergast who has never been recognised by the former Athy Town Council.

The meetings administrator advised the members that was a matter for the municipal district, however, there is currently no specific budget for civic receptions/honours. Following discussion it was agreed that the members consider developing a protocol for deciding how people were nominated for civic receptions. The meetings administrator agreed to circulate a copy of Kildare County Council's protocol for ceremonial functions and civic honours for the information of the members.

Resolved: That the report be noted.

AY18/1409

The Role of the Councillor

The following question in the name of Councillor Redmond was considered by the members: **What powers have councillors gained or lost with the establishment of the municipal districts versus the former town councils?**

The meetings administrator read a report from the corporate services department informing the members that the Local Government Reform Act 2014 contains legislative provisions to give effect to the local government reform programme set out in the Action Programme for Effective Local Government, Putting People First.

The objective of the reform programme was to strengthen structures, widen functions and strengthen the powers of elected members. In this regard the act and associated regulations include measures to enable more locally-focussed decision making and improve oversight of performance.

Schedule 14A of the Local Government Act 2001, inserted by Section 3 of the Local Government Reform Act 2014, sets out the reserved functions to be carried out by members of a local authority and members of a municipal district. Circular letter LG 10/2014 dated 29 May 2014 and Local Government (Performance of Reserved Functions in respect of Municipal District Members) Regulations and Guidelines provide information with regard to the performance of reserved functions. Circular letter LG 20/2014 dated 9 July 2014 provides additional clarification on this matter.

Councillor Redmond expressed his disappointment with the response but was advised by other members that it was a comprehensive answer to the question.

Resolved: That the report be noted.

AY20/1409

Taking in Charge process Hopkins Haven

The following question in the name of Councillor Dalton was considered by the members:
Can a report be given on the taking in charge process for Hopkins Haven, Monasterevin?

The meetings administrator read a report from the planning department dated 18 September 2014 informing the members that this estate was developed by College Land Construction. Their records show that there is a cash bond of €110,000 in place. A review of the Companies Registration Office website indicates that the company was dissolved on 22 August 2014. Building Control Section will consult with the Council's solicitors on the most appropriate course of action to have the estate completed to taking in charge standard.

Resolved: That the report be noted.

The meeting concluded