**Minutes of Meeting of Cavan County Council held on Monday 12th March 2018 in the Council Chamber at 2.00p.m.**

Councillor P. McDonald, Cathaoirleach Presiding

Present: Councillors M. Argue, W. Bennett, C. Brady, D. Brady,

N. Connell, F. Curtin, D. Downey, J.P. Feeley, C. Kelly, P. McVitty,

P. O’Reilly, S. P. O’Reilly, P. Smith, S. Smith, V. Smith

In Attendance: T. Ryan, Chief Executive

E. Doyle, Director of Service

D. Maguire, Head of Finance

J. McLoughlin, Director of Service

N. O’Kane, Senior Planner

E. McGinn, Meetings Administrator

Apologies were received from Councillors P. Brady and S. O’Reilly.

1. **To confirm Minutes of Meetings held on 12 February, 2018. Miontuairiscí cruinnithe 12 Feabhra 2018 a dhearbhu.**

It was:

Proposed by Councillor S. Smith

Seconded by Councillor P. McVitty

And

Resolved:

“that minutes of meetings of Cavan County Council held on 12 February, 2018 be hereby approved”.

**2. To note Minutes of Corporate Policy Group meeting held on 11 January 2018.**

Noted.

1. **To note Chief Executive’s Orders.**

Noted.

1. **To note Chief Executive’s monthly report.**

Noted.

1. **Consideration of 3 year Capital Programme 2018-2020 under Section 135 of the Local Government Act 2001.**

Noted.

Mr. Des Maguire, Head of Finance stated that the 3 year capital programme 2018-2020 under Section 135 of the Local Government Act 2001 had been circulated to members for their consideration. Mr. Maguire stated that the programme outlines the capital infrastructure for the next three years based on allocations for 2018 and estimated allocations for 2019/2020. Mr. Maguire stated that it is the Council’s intent to spend €101m on capital projects over the three year period and stated that most of the projects in the capital programme find their way before the elected members prior to being progressed.

Councillor J.P. Feeley noted that the programme will have a significant positive impact on the county but expressed his concern regarding the proposal to spend €2m on offices which could leave the Council with a huge debt like other Councils have done in the past.

Councillor P. O’Reilly expressed his concern that the Council was using reserves to fund capital projects in the county town and not spreading it evenly throughout the County.

1. **To approve the disposal of .001 hectares or .002 acres of land at Railway Road, Cavan to Angela & Paddy Keavney, Railway Road, Cavan for the sum of €200.00, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000, and notices circulated.**

It was:

Proposed by Councillor M. Argue

Seconded by Councillor S. Smith

And

Resolved:

“that the disposal of .001 hectares or .002 acres of land at Railway Road, Cavan to Angela & Paddy Keavney, Railway Road, Cavan for the sum of €200.00, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000, be hereby approved.

7. **To note NOAC Report on Performance Indicators 2016.**

Noted.

Mr. Eoin Doyle, Director of Service informed the members that the National Oversight and Audit Committee (NOAC) is an independent oversight body, set up under Section 126(c) if the Local Government Reform Act 2014. He stated that one of its functions is to scrutinize the performance of local government bodies against a range of indicators (KPI’s) that the Commission consider appropriate. He stated that NOAC produces a report on performance of the Local Government sector annually and recommends that individual targets be established by management locally in relation to each indicator. Mr. Doyle stated that targets and indicator outcomes are presented to the Senior Management Team, Elected Members and the Audit Committee. The NOAC report on performance indicators 2016 was noted and agreed.

**8. To approve attendance of members at:-**

* **Celtic Conferences “The Eight Amendment – A Constitutional Minefield” to be held in Clonakilty, Co. Cork from 23-25 March.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillor P. O’Reilly at Celtic Conferences “The Eight Amendment – A Constitutional Minefield” to be held in Clonakilty, Co. Cork from 23-25 March be hereby approved”.

* **LAMA Spring Training Seminar to be held in The Central Hotel, Donegal town on 6-7 April.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillors C. Brady, W. Bennett, P. Smith, V. Smith, P. McVitty, P. O’Reilly, M. Argue, J.P. Feeley, S. O’Reilly, P. Brady, F. Curtin, S.P. O’Reilly, C. Kelly and S. Kelly at LAMA Spring Training Seminar to be held in The Central Hotel, Donegal town on 6-7 April be hereby approved”.

* **AILG Training Seminar to be held in the Park Hotel, Dungarvan on 12-13 April.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillors C. Brady, W. Bennett, P. Smith, V. Smith, P. McVitty, M. Argue, J.P. Feeley, S. O’Reilly, P. Brady, F. Curtin, S.P. O’Reilly, C. Kelly and S. Kelly at AILG Training Seminar to be held in the Park Hotel, Dungarvan on 12-13 April be hereby approved.

**9 (a) To note replies from Minister Simon Harris, T.D. and Minister Finian McGrath, T.D., in relation to Down Syndrome Centre, North East Committee.**

Deferred to April Meeting.

**(b) To note reply from Minister Simon Harris, T.D. and Mr. Paul Hoey, Office of the Director General of the Health Service in relation to Versatis Patches.**

Noted.

**(c) To note reply from Office of the Minister for Agriculture, Food and the Marine regarding fodder.**

Noted. Councillor S. Smith once again proposed that the Council write to the Minister for Agriculture, Food and the Marine asking that a voucher scheme be put in place to assist farmers with the fodder shortage. Councillor W. Bennett seconded the proposal. Councillor J.P. Feeley supported the motion.

**Votes of Congratulations:**

* The 12 students and staff of Dun na Rí College, Kingscourt who won prizes at the Schools Enterprise Awards held in the Slieve Russell Hotel, Ballyconnell.
* Mr. Matt Boylan, Ballyjamesduff and member of Cavan County Council staff who was elected National President of the Pioneer Total Abstinence Association.
* The Royal School, Cavan on winning five out of twelve awards in both Junior and Senior Grades at the Schools Enterprise Awards held in the Slieve Russell Hotel, Ballyconnell.
* St. Mogue’s Secondary School, Ballyconnell on winning awards at the Schools Enterprise Awards held in the Slieve Russell Hotel, Ballyconnell.
* Mr. Donal De Paor, Veltig Ireland who will represent LEO Cavan in the National Enterprise Awards 2018 in the Mansion Dublin in May.

**MEMBERS’ ITEMS – DEFERRED FROM FEBRUARY MEETING**

**1. That need for funding for dredging on the Annalee/Laragh River.**

Councillor F. Curtin noted that since the last County Council meeting, Minister Kevin Moran, Minister of State for OPW and Flood Relief visited Ballyhaise. Councillor F. Curtin congratulated Mr. Brendan Jennings and Mr. Paul Mulligan on an excellent presentation made to the Minister on flooding in the County. Councillor Curtin noted that there was no dredging done on the Annalee/Laragh river since 1992. Councillor Curtin stated that he was delighted the Minister visited the County and seen the need for funding to carry out works on the River. Councillor Curtin asked if the Minister gave any time frame in relation to when funding would be made available.

Mr. Joe McLoughlin, Director of Services stated that the Council is currently working on putting a proposal forward for funding to the Minister.

**2. Suckler Herds.**

Councillor S. Smith stated that suckler cows in Ireland had fallen by 132,000 since 2012. Councillor Smith stated that it is no longer viable for farmers to stay at this enterprise as there is little or no money being made from suckler cows. Councillor Smith stated that we need our farming industry as it is an indigenous industry with a high export rate. Councillor Smith noted that other EU countries are supporting sucklers in excess of what Ireland is. Councillor Smith stated that the Minister is reluctant to provide extra money to the IFA for sucklers and this does not seem to be the message given in Brussels. Councillor S. Smith proposed that the Council invite a member of the farming organisation to a Council meeting to discuss this issue with the members. Councillor S. Smith proposed that the Council write to the Minister for Agriculture, Food and the Marine and the Taoiseach asking that the Minister gets fresh money as part of the next CAP in light of Brexit in order to fund a €200 suckler cow payment.

Councillor D. Downey seconded the proposal.

Councillors J.P. Feeley, F. Curtin, P. McVitty and W. Bennett supported the motion.

**3. Bawnboy Water Supply.**

Councillor S. Smith stated that there is growing frustration among Bawnboy residents who continue to count their costs resulting from hard water in the local supply and the extensive damage caused to home heating systems and appliances. Councillor S. Smith noted that an estimated cost of €30,000 to soften the water would address the problem but Irish Water state that it is not a priority. Councillor S. Smith proposed that the Council write to Irish Water asking that they meet with the members of Cavan County Council.

Councillor D. Brady seconded Councillor S. Smith’s proposal.

Councillors P. McVitty and J.P. Feeley supported the motion.

Mr. Nicholas O’Kane, Senior Planner informed the members that Irish Water is willing to meet with the members and a meeting will be arranged in relation to same.

**4. To call on the Minister for Agriculture to bring forward the fodder saving date for GLAS participants by 2 weeks.**

Councillor P. Smith noted that the main reason for the fodder crisis is due to the bad weather the Country has experienced since the end of July 2017. Councillor P. Smith stated that under the GLAS scheme farmers are not allowed to save fodder before the middle of July. Councillor P. Smith proposed that the Council write to the Minister for Agriculture asking that the date for saving fodder be brought forward to the 1st July to give farmers a better chance to save fodder.

Councillor W. Bennett seconded Councillor P. Smith’s proposal.

Councillor S. Smith supported the motion.

**5. To call on the Minister for Agriculture to return the ANC payments to people who lost them.**

Councillor P. Smith noted that an additional €25 million is promised for the 2018 Areas of Natural Constraint (ANC) scheme which had been cut severely since 2009. Councillor P. Smith stated that it is important that the additional €25 million is distributed evenly among severely handicapped areas. Councillor P. Smith proposed that the Council write to the Minister for Agriculture, Food and the Marine asking that the ANC payment be returned to all people who lost them and not just specified categories.

Councillor S. Smith seconded the proposal.

Councillor W. Bennett supported the motion. Councillor W. Bennett noted that something needs to be done also in relation to slurry spreading.

**Storm Emma**

Councillor S.P. O’Reilly thanked the staff of Cavan County Council and the members of the communities in County Cavan for the amazing work done during Storm Emma. He stated that farmers and agricultural contractors came together to clear roads and made them accessible within the community. Councillor S.P. O’Reilly thanked the members of the Civil Defence, Ambulance Service, Fire Service and the Gardai for their help. Councillor S.P. O’Reilly welcomed the Chief Executive’s press release in relation to thanking staff and members of the community for their help and noted that he omitted the local representatives. Councillor S.P. O’Reilly stated that he had an issue with Met Eireann noting that parts of East Cavan and Meath should have been declared a red alert area from as early as Wednesday.

Councillor W. Bennett concurred with Councillor S.P. O’Reilly and noted that there was a shortage of salt in the Mountnugent area.

Councillors D. Brady, N. Connell, F. Curtin, J.P. Feeley, S. Smith, P. O’Reilly and P. McDonald complimented the outdoor and indoor staff members of Cavan County Council and members of the communities who worked tirelessly to clear snow from the roads.

**MEMBERS’ ITEMS – MARCH**

**6. That Cavan County Council make arrangements to commemorate the role of women in public service.**

Councillor M. Argue stated that this year 2018, marks the centenary of women’s right to vote in Ireland and felt it was an apt time to recognize the part played by women in public life. Councillor Argue spoke of the history behind women getting a vote and stated that the law that changed things was called the Representation of the People Act 1918. Councillor Argue stated that the first woman elected to Westminister, Constance Markievicz, represented Sinn Fein. She noted that she refused to take her seat in Westminister and took a seat in the First Dáil set up in Dublin in 1919. Councillor Argue stated that Countess Markievicz was the first woman in the World to take a cabinet position when serving as Minister for Labour in the Irish Government and it was not until 1979 that another woman Máire Geoghegan Quinn was elected to the Dáil. Councillor Argue stated that she attended the celebration of International Women’s Day on March 8 in Johnston Central Library where Dr. Kate O’Malley of the Royal Irish Academy launched the Cavan tour series with a talk on “Irish Revolutionary Women in the Wider World”. Councillor M. Argue noted that during the lifetime of Cavan County Council, Councillor V. Sharkey, R.I.P. was the only female to hold the title of Cathaoirleach. Councillor M. Argue proposed that Cavan County Council make arrangements to commemorate the role of women in public service and honour past and present women elected members of Cavan County Council. Councillor Argue noted that the local County Council is the bedrock of democracy in Ireland since their foundation in 1898.

Councillor S.P. O’Reilly supported the motion and said he hoped to see great celebrations during Vótáil 100.

Councillor D. Downey supported the motion and encouraged more women to get involved in politics.

Councillor J.P. Feeley supported the motion and was of the opinion that a public plaque should be erected to commemorate the late Veronica Sharkey, for Cathaoirleach of Cavan County Council.

Councillor C. Brady seconded Councillor M. Argue’s proposal.

Councillors P. O’Reilly and V. Smith supported the motion.

**7. That Cavan County Council calls on the Court Services to consider improving the appearance of Cavan Courthouse.**

Councillor M. Argue noted that the Courthouse is the headquarters of local government in County Cavan and is well overdue maintenance work being carried out to the front of the building. Councillor Argue noted that no work had been done on the building since the 1980’s. Councillor Argue asked that Cavan County Council call on the Court Services to consider improving the appearance of Cavan Courthouse.

Councillor D. Downey supported the motion and noted that it had been discussed at recent town team meetings. Councillors Downey suggested changing the bulbs green to light up the Courthouse green for St. Patrick’s Day.

Councillor S.P. O’Reilly supported the motion and stated that signage also needs to be looked at in relation to the Courthouse and council services.

Councillor J.P. Feeley supported the motion.

Mr. Joe McLoughlin, Director of Service stated that Cavan County Council is responsible for the upkeep of the building and it is currently being reviewed.

**8. That Cavan County Council calls on the Government to enforce regulatory standards on property recipients known commonly as Vulture Funds.**

Councillor N. Connell stated that the bank is planning to sell off 14,000 family homes with distressed mortgages to vulture funds and the Sinn Fein party will not allow this happen. Councillor Connell stated that the Irish State has an obligation to look after the people of Ireland. Councillor Connell stated that the vulture funds are unregulated, aggressive and vicious in their pursuit of profit. Councillor Connell proposed that the Council write to the Minister of Finance asking that the Government enforce regulatory standards on property recipients know commonly as Vulture Funds.

Councillor J.P. Feeley supported the motion and stated that legislative proposal to regulate funds had been put before the Dáil by Fianna Fáils finance spokesperson Deputy Michael McGrath.

Councillor D. Downey seconded Councillor Connell’s proposal.

**9. In the advent of the launch by Minister Denis Naughten of an allocation of €2 million in aid of local strategies against illegal dumping activity, the Sinn Fein party request information on what application has been expressed by Cavan County Council to draw down and deploy our share of this fund for the coming year 2018.**

Councillor N. Connell asked the executive in light of the allocation of €2 million by Minister Denis Naughten in aid of local strategies against illegal dumping activity, what application has been expressed by Cavan County Council to draw down and deploy their share of the fund for the coming year.

Mr. Nicholas Kane, Senior Planner informed the members that Cavan County Council have made an application for funding in the region of €99,500 and it is hoped that an announcement with regard to same will be made in the coming weeks.

**10. That Cavan County Council erect a memorial to those lost in Cavan Town’s most harrowing event 75 years ago, in or near the area, for the public to view.**

Councillor D. Downey presented to the Council a petition signed by 5,486 signatories in support of a sensitive and visual memorial to the victims who lost their lives in this harrowing event 75 years ago. Councillor Downey noted that between 9.30p.m. on February 23 and 2.00a.m. on February 24, 1943 a fire broke out at the basement of the laundry at St. Joseph’s Orphanage operated by the Sisters of the Poor Clares in Cavan Town where 35 victims lost their lives. Councillor Downey proposed that the Council erect a memorial to those who lost their lives, in or near the area, for the public to view.

Councillor D. Brady seconded the proposal.

Councillor J.P. Feeley noted that there is a memorial plaque in the Church and an anniversary mass is held each year to remember the victims.

Councillors N. Connell, M. Argue, P. O’Reilly and S. Smith supported the motion.

**11. That this Council appoints a liaison person to assist/work with people with intellectual disabilities and provide statistics of numbers employed and quotas of same.**

Councillor P. O’Reilly noted that when a person with either a physical or an intellectual disability attends a job interview there is no difference in the type of questions asked. He stated that a person with a physical disability can do the job where a person with an intellectual disability cannot. Councillor P. O’Reilly asked how many people with intellectual disabilities are employed by Cavan County Council? Councillor P. O’Reilly suggested that Cavan County Council appoint a liaison officer to help on a one to one basis a person with an intellectual disability to do his or her job.

Councillor W. Bennett congratulated Councillor P. O’Reilly on his worthy motion and called on the Council where possible to help those with disabilities.

Councillor S.P. O’Reilly stated that people with disabilities bring enjoyment to the workplace and the Council should support and make sure that something like this can work.

Councillors P. Smith, M. Argue and D. Downey supported the motion.

Mr. Eoin Doyle, Director of Service outlined to the members that under the Disability Act 2005, “disability” is defined as follows:- “Disability, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”. Mr. Doyle stated that in the Employment Equality Acts, which provides that a person who has a disability shall not be regarded as other than fully competent and fully capable of undertaking any duties if, with the assistance of special treatment or facilities, that person would be fully competent and be fully capable of undertaking those duties. He stated that the Act also provides that an employer shall do all that is reasonable to accommodate the needs of a person who has a disability by providing special treatment or facilities if required. Mr. Doyle stated that Cavan County Council recognises that while some disabilities are obvious others are not readily apparent. Mr. Doyle stated that Cavan County Council is committed to ensuring that people with disabilities, as people with abilities, should have access to the full range of recruitment and career development opportunities available in the Council, and are facilitated to give effective performance in the jobs which they hold or to which they aspire and are not disadvantaged by reason of having a disability. He stated that Cavan County Council also ensures that all reasonable accommodations are made to meet the requirements to which some disabilities give rise so as to maximize access to employment in the local authority service for people with disabilities and to enable all staff to make the fullest possible contribution to the work of the Council. Mr. Doyle stated that the Council has already appointed an Equality Officer with responsibility for liaison on matters related to the nine grounds covered under the Equality Acts, including disability. Mr. Doyle stated that the Council must also ensure, unless there is good reason to the contrary, that not less than 3% of the persons employed by them are people with disabilities. Mr. Doyle noted that since 2012 over 7% of people employed with Cavan County Council are people with disabilities. In 2016, 29 out of the total 398 employees had a disability. Mr. Doyle stated that a new staff census is currently being carried out and will be incorporated in the monitoring report due at the end of March. Mr. Doyle stated that the Council is conscious that asking for such personal information is a sensitive issue and employees are not required to stipulate whether they have a physical, sensory, mental health or intellectual disability.

**12. That this Council provides a comprehensive report on progress with the development of Cavan County Council’s lands for industrial development at Virginia in the lifetime of this Council.**

Councillor P. O’Reilly noted that Cavan County Council purchased lands in Virginia over fifteen years ago and asked that a comprehensive report be provided to the members on progress with the development of these lands for industrial development during the lifetime of this Council. Councillor P. O’Reilly noted that most developers are bypassing this land and setting up business in Kells which is only a stone’s throw away from Virginia. Councillor P. O’Reilly was of the opinion that if the Council could not attract business to this site on the N3 then there is no hope for business elsewhere in the County. Councillor P. O’Reilly stated that a proper roadway is needed into the site and there is no reason why the site cannot have a private sewerage system. Councillor P. O’Reilly noted that ESB lines and gas lines are crossing the site.

Councillor F. Curtin supported the motion noting that the location of the site is within excellent proximity to Dublin. Councillor Curtin stated that ratepayers in the County have to be facilitated if they intend to expand their business.

Councillor W. Bennett supported the motion stating that a surveyor needs to be brought into the site to assess it as business people won’t wait on the Council to make the site ready.

Councillors N. Connell, J.P. Feeley, S.P. O’Reilly, P. McVitty and S. Smith supported the motion.

Mr. Eoin Doyle, Director of Service stated that Cavan County Council is the owner of 81 acres of lands at Burrencurragh, Dublin Road, Virginia and this land was purchased in the early 2000s in two lots. He stated that the lands have significant potential for development as an enterprise zone with close proximity to N3/M3 to Dublin and access to the airport, Dublin Port, close proximity to access routes for the north and the south of the Country and the 2014-2020 County Development Plan supports the zoning of the site. A variation of the development plan is required to enable development to occur onsite. Mr. Doyle noted that the development of the land has been impeded by a number of factors:-

* The site is currently unserviced by water and sewer and to state that development might be confined to onsite options. The site could be serviced in advance but the capital costs would be borne most likely by Cavan County Council.
* The land is located outside the development zone for Virginia town within a speed limit zone and this presents issues for roads access to the site.
* The recent prolonged economic crash has left several potential enterprise site in the region undeveloped.

Mr. Doyle stated that Cavan County Council and enterprise agencies have for some time been proactively involved in promoting the site. Mr. Doyle noted that sites such as this are been assessed in conjunction with state agencies upon receipt of the specific needs of developers with a stated interest in the site. Mr. Doyle stated that whilst the lack of development at the site to date is disappointing there are a number of positive points for consideration-

* The site retains the key advantages of both strategic location and state ownership
* In recent times the Council and state agencies have facilitated site visits from significant developers
* The site is on the active attention list of the state enterprise agencies and the local enterprise office
* The council is actively pursuing the development of the Virginia by pass, the completion of which would provide significant access options.
* The council through its water services, planning and local enterprise offices continues to keep the matter on the agenda of all relevant state agencies.

Mr. Tommy Ryan, Chief Executive stated that the Council is anxious to develop the land and they had some visitors to the site through the IDA who did not want their name mentioned publicly. Mr. Ryan stated that the Council needs to work with all agencies in order to develop the site. Mr. Ryan informed the members that if they were aware of potential business people looking for the site then put them in touch with the Council Executive and they will work with them. Mr. Ryan stated that the Virginia by-pass will be off significant benefit to the site.

Councillor P. O’Reilly expressed his disappointment at the adequacy of the report provided to him on the matter.

**Items 13, 14, 15 and 16 were deferred.**

**The meeting concluded at 5.10p.m.**