

Minutes of January Council Meeting held on 18th January, 2016 at 3.00p.m.

Chair: Cllr. M.H. Cavanagh

Cllrs: M. Shortall, J. Brennan, P. Millea, P. Fitzpatrick, M. Doyle, M. Doran, M. Noonan, J. Malone, A. McGuinness, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, P. McKee, M. O' Neill, G. Frisby, P. Cleere, B. Gardner, P. O' Neill, D. Kennedy.

Officials: C. Byrne, M. Melia, S. Walton, M. Prendiville, B. Mernagh, S. McKeown, M. Delahunty, S. O' Connor, K. Hanley and A. M. Walsh

Apologies: K. Funchion and M. McCarthy.

As agreed the Council received Mr. Frank O' Regan Chairperson, Regional Economic Forum in committee at 2.00p.m.

Cllr. Cavanagh opened the public meeting at 3.00p.m.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21st December, 2015

Proposed by Cllr. J. Brennan, Seconded by Cllr. B. Gardner and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21st December, 2015 as circulated with the agenda be and are hereby approved".

(b) Minutes of Local Traveller Accommodation Consultative Committee Meeting held on 6th November, 2015

Proposed by Cllr. J. Malone, Seconded by P. O' Neill and resolved:- "That the minutes of Local Traveller Accommodation Consultative Committee Meeting held on 6th November, 2015 as circulated with the agenda be and are hereby approved".

(c) Minutes of Meeting of SPC 1 – Economic Development, Enterprise Support & Tourism

Proposed by Cllr. P. Cleere, Seconded by Cllr. M. Doyle and resolved:- "That the minutes of SPC 1 – Economic Development, Enterprise, Support and Tourism meeting as circulated with the agenda be and are hereby approved".

Cllr. Cavanagh expressed thanks to all people who have made a submission to the Boundary Review Committee, in excess of 18,000 submissions have been made by the deadline on the 15th January, 2016.

Cllr. Cavanagh extended votes of sympathy to the following:-

- To Bill Harrisson, Machinery Yard and the Harrison family on the tragic death of their brother Paul in a farm accident.
- To Mary Gaffney Library Service on the death of her brother Richie Kavanagh
- Mairead and Paul Twang – on the death of their daughter Searlait Twang
- The Vereker Family on the death of John Vereker

2. **Business prescribed by Statute, Standing Orders or Resolutions of the Council. -Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.**

(a) **Planning – Pleanail**

Taking of Charge of the following estates:-

- (i) Proposed by Cllr. M. O’ Neill, seconded by Cllr. F. Doherty and agreed: - “That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act, 2010, hereby declares the roads listed in the Public Notice listed to be Public Roads – Roundabout and Approach Roads at Waterford Road, Kilkenny. Ref TC144
- (ii) Proposed by Cllr. P. Cleere, Seconded by Cllr. M. Doyle and agreed:- “That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act, 2010, hereby declares the roads listed in the Public Notice listed to be Public Roads – 13 House Development at Hillview Estate, Cloghabrody, Thomastown, Co. Kilkenny. Ref TC75
- (iii) Proposed by Cllr. P. McKee, Seconded by Cllr. J. Malone and agreed: - “That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act, 2010, hereby declares the roads listed in the Public Notice listed to be Public Roads – Priory Gove, Kells, Co. Kilkenny. Ref TC24 –

Cllr. M. Shortall requested an update on the provision of public lights in a residential development in Ballyragget. Ms. Melia responded to the query.

(b) Corporate Affairs - Gnóthaí Corparáideacha

Chief Executives Report

Ms. C. Byrne presented her monthly report to the members.

Contributions were received from Cllr. P. Cleere, F. Doherty, B. Gardner, M. O' Neill, M. Doyle, M. Noonan, P. McKee, P. Dunphy, T. Breathnach, A. McGuinness, P. Fitzpatrick, P. Millea and M. Shortall. Issues raised related to the following:-

- CAS additional cost, write to Minister request a once off payment to cover this, clarify amount of grant aid received for this project, completion date and works on Wolfe Tone Street
- Free library service welcomed, update on the works in Thomastown library, status on shared services with Carlow
- Use of fluoride in the public water supply, how many plants not using it, any planned upgrades of plants, status of upgrade of Shellumsrath waste water treatment
- Number currently presenting as homeless – plans for sourcing additional housing units
- Payment of VAT on contracts and materials by local authority, clarify position
- Employment of Curate for St. Mary's liaising with Heritage Council re museum standards.
- Invite Irish Water to attend full Council Meeting/Municipal meetings change of monthly clinics with members to quarterly basis
- All National groups e.g. NRA, OPW and Irish Water should meet local authorities on a regular basis.
- Status on re-alignment of Callan Road/Tinnypark.
- Acknowledge recording of history of Iverk Show
- Clarify operation pollution?
- Contact details for Council staff to be circulated to members.

Ms. Byrne and the Directors of Services responded to all the general queries raised by members.

It was agreed that a letter be sent to Irish Water inviting them to attend a meeting of the Council and to write a letter to the Minister for Transport seeking funds for the CAS Project. Mr. Walton advised that the bridge will be completed in June, 2016. The 2 adjoining roads will be completed by the end of 2016. A letter of intent will be issued shortly for Phase 2 works. He advised that conciliation was completed in December, 2015. Agreement was received on the additional cost amounting to €2.537m. the CAS project is mainly funded by the local authority and a loan will be required to fund the additional cost. Ms. Byrne and Mr. Mernagh responded in relation to fluoridation of water supply. Members were advised that testing of supply is carried out by EPA.

Ms. Melia updated the members on the current numbers of homelessness. This will be discussed at the Housing SPC.

Mr. Walton advised the meeting that contract documents are being prepared and the Callan Road Realignment. Project will be advertised on E-Tenders in April works will include water infrastructure for Shellumsrath waste water

Mr. Prendiville advised that the Council is not exempt from VAT.

Cllr. Cavanagh asked that NRA, OPW and Irish Water be requested to meet the Council on a regular basis to discuss issues.

3. Urgent Correspondence - Comhfhreagras Práinneach

None.

4. Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú roimhe seo

None

5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:

- (i) Schedule of meetings from January - March 2016
Proposed by Cllr. F. Doherty, Seconded by Cllr. M. Shortall and agreed.

6. Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:

- (a) Chairman's Report of Meeting of SPC 1 – Economic Development, Enterprise Support & Tourism

Proposed by Cllr. P. Millea, Seconded by Cllr. P. McKee and agreed.

Cllr. M. Shortall asked that a Review be carried out after 12 months on the Rates Incentives Scheme and CAP on rates.

7. Other Business set forth in the Notice convening the Meeting – Gnó Eile romhainn i bhFógra reachtála an Chruinnithe

None.

8. Education & Training – Oideachas agus Oiliúint

- (i) Conferences – Request for approval to attend as per circulated list.

Proposed by Cllr. F. Doherty, Seconded by Cllr. M. Shortall and agreed.

9. Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí

None.

10. Any Other Business - Aon Ghnó Eile

- (i) Cllr. M. H. Cavanagh advised that International Women’s Day will be celebrated on 8th March, 2016. It is intended to celebrate this event by honouring women in Kilkenny who have made a huge contribution to their area. Any suggestions can be made to the Meetings Administrator.
- (ii) Cllr. D. Kennedy asked for an update on provision of solid fuel stoves
- (iii) Cllr. Doyle asked if response had been received in relation to removal of boat from Balling Quay.
- (iv) Cllr. M. O’ Neill voiced concerns on the new Tenant Purchase Scheme is not available to all tenants. The criteria is discriminating against a certain group of tenants.

Ms. Melia advised that there is no update on the solid fuel stoves. A meeting has been arranged by the Department to discuss feedback on the new tenant purchase scheme.

Mr. Walton advised that a response has been received stating that Kilkenny County Council is responsible for removal of boat. He advised that in accordance with the legislation the New Ross Port Authority is responsible and he will be following up on this. The removal of the vessel will be very costly for the local authority and there will be health and safety implications also.

Cllr. Cleere referred to the grants recently advertised for the festivals and events and encouraged groups to make their application.

11. **Notices of Motion - Fógraí Rúin:**

42(15) Cllrs. M. O' Neill, D. Kennedy, K. Funchion.

Proposed by Cllr. M. O' Neill "That Kilkenny County Council calls on the government to amend the Health (Fluoridation of Water) Act 1960 and subsequent Statutory Instrument (42/2007 Fluoridation of Water Supplies Regulations 2007) to ban the addition of fluoride on water supplies. Hydrofluoric acid is being used to add fluoride to our water at a cost of €4.8million per annum. Fluoridation is banned in 98% of European Countries. The Irish Government continues to impose fluoride on the Irish people".

Cllr. M. O' Neill stated that a number of public water plants in County Kilkenny are currently not using Fluoride. 15 plants have not been upgraded and there are no plans for upgrading until 2021. She acknowledged that it is mandatory to fluoridate water in Ireland. A number of European Countries have banned fluoride. Ireland has the highest rate of Dementia, Parkinson, Alzheimer's etc and these illness have been linked to the use of fluoride.

The notion of motion was seconded by Cllr. D. Kennedy.

Contributions were also made by Cllr. P. O' Neill, B. Gardner, M. H. Cavanagh, P. Millea, E. Aylward, M. Doyle, P. Dunphy, D. Kennedy, P. Cleere and T. Breathnach.

The concerns raised by the member related to the following:-

- National and International reports on the benefits of fluoride
- Established risks associated with the use of fluoride
- Legislation governing the use of fluoride
- How many countries have banned the use
- Very difficult to research the advantages and disadvantages, what the effects are on human health
- Forum on fluoridation set up by Government final report not conclusive.
- Fluoride banned in baby food
- Kilkenny County Council not qualified to deal with this notice.

Mr. Billy Mernagh Senior Engineer advised that fluoride is added to water in accordance with national legislation on behalf of the Health Service. He advised that all expert reports are available to the public. Fluoride occurs naturally in some water supplies. In relation to Kilkenny, there has been a number of

exceedance of chlorine in the water. He refuted that there were leaks. He stated that HSE and WHO have stated that it is safe to use fluoride water in baby food.

Cllr. P. Dunphy proposed an amendment to the proposal – “That Kilkenny County Council write to the Department of Health to review the use of fluoride in light of new reports”. This was seconded by Cllr. T. Breathnach.

Cllr. M. H. Cavanagh stated that she was going to take a vote on the amendment first.

10 Councillors voted in favour of the amendment:- Cllrs. J. Brennan, M. H. Cavanagh, P. Fitzpatrick, P. Millea, P. Cleere, M. Doyle, M. Doran, P. McKee, F. Doherty and P. Dunphy.

7 Councillors voted against the amendment: - Cllrs. B. Gardner, D. Kennedy, A. McGuinness, P. O’ Neill, M. Noonan, A. Aylward and M. O’ Neill.

4 Councillors abstained:- Cllrs. M. Shortall, J. Malone, T. Breathnach and G. Frisby.

The amendment was carried by 10 votes to 7 votes.

Cllr. Cavanagh advised that she will take a vote on the notice of motion.

6 Councillors voted in favour of the notice of motion: - Cllrs. B. Gardner, D. Kennedy, A. McGuinness, M. Noonan, E. Aylward, M. O’ Neill.

11 Councillors voted against the notice of motion:- Cllrs. J. Brennan, M. H. Cavanagh, P. Fitzpatrick, P. Millea, P. Cleere, M. Doyle, P. O’ Neill, M. Doran, P. McKee, F. Doherty and P. Dunphy.

4 Councillors abstained: - Cllrs. M. Shortall, J. Malone, T. Breathnach and G. Frisby.

Therefore the notice of motion was defeated by 11 votes to 6 votes.

1(16) Cllr. Malcolm Noonan – 3rd January, 2016

Proposed by Cllr. M. Noonan, Seconded by Cllr. B. Gardner and agreed:-
“That Kilkenny County Council requests that the Minister with responsibility for the Office of Public Works (OPW) would give consideration to ring-fencing funding from the Capital Fund for Flood Relief programmes for the development of local community led projects involving catchment management and ecological solutions to flooding. This council recognises that community owned catchment projects can be

effective less capital intensive and can deliver long term benefits for land use management, the environment and the wider community”.

Cllr. Noonan stated that there are a lot of small tributaries of the River Nore that need to be cleaned and managed. Small projects could be undertaken at reasonable cost, Department of Agriculture could be involved in land use management.

2(16) Cllr. Fidelis Doherty – 7th January, 2016

Proposed by Cllr. F. Doherty, Seconded by Cllr. M. Doyle and agreed:-
“That Kilkenny County Council correspond with the Minister of State at the Departments of Finance and the Taoiseach with Special Responsibility for the OPW, Public Procurement and International Banking, Simon Harris, seeking of him to provide funding in order to ensure that small streams and rivers are dredged and that silt and gathered material is removed to address the issue of overflowing following heavy rainfall which has resulted in numerous serious incidents of local flooding”.

12. Notices of Motion from other local authorities seeking support of Kilkenny County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:

None.