



**Minutes of Rathkeale Area Committee Meeting
Held in County Hall, Dooradoyle,
on 22nd August, 2005 – 1.30.p.m.**

Present In the Chair : Councillor D. Naughton.

Members Present : Councillors J. Griffin, T. Neville, J. Sheahan, K. Sheahan.

Officials Present : B. Martin SEE., G. Liston, E.E., K. McMahon, E.E., T. Breen, S.O., J. Guinane, A.O., P. O'Neill, S.E., G. O'Connor, S.E.E., T. Tarpey, S.E., M. Griffin, A.O.

Councillor K. Sheahan requested that Items 6 and 7 on the Agenda be brought forward, and dealt with as the first two items. The Chairman acceded to this request with all Members agreed.

Question submitted by Councillor K. Sheahan :

I will ask at the next ordinary Meeting of the Rathkeale Electoral Area that Limerick County Council advise Members on their proposals, or actions to be undertaken, in order to prevent the ongoing problem of illegal caravan parking at Borrigone, Askeaton".

Councillor K. Sheahan briefly outlined the ongoing problems associated with illegal parking of caravans at Borrigone. He expressed his dissatisfaction at the response from the S.E.E. Main Roads, and would if necessary, refer the item to the September Meeting of Council for response by the County Manager, should a satisfactory reply not be forthcoming from Officials. It was Councillor Sheahan's view that the problem of illegal parking at Borrigone had been created by the Council and should be rectified. It was also his understanding the Council had adopted bye-laws for prevention of illegally parked caravans on National Roads, and requested that copies of the adopted bye-laws/prohibition order at Borrigone be furnished to Members. Councillor Sheahan suggested the Director of Services/Senior Engineer within whose remit such issues fall, be invited to give Members a full briefing at the September Rathkeale Electoral Area Committee Meeting.

Councillor J. Griffin requested the role of the Enforcement Officer/powers available to this Officer be clarified. Also, that the plan/procedure for enforcement of the bye-laws and powers available to the Council under the Roads Act 1993, regarding removal of illegally parked caravans, be outlined to Members.

Notice of Motion submitted by Councillor K. Sheahan :

I will move at the next ordinary Meeting of the Rathkeale Electoral Area Committee, that Askeaton Town be included for funding in 2006 for provision of a Fixed Equipment Playground in accordance with Limerick County Council's Local Play Policy, and be located adjacent to the Proposed New Swimming Pool.

Councillor K. Sheahan informed Members the closing date for "Expressions of Interest" in the proposed new Swimming Pool Development would be in the next fortnight. He stated that Limerick County Council did not have a swimming pool in the County, and had provided assistance to the Askeaton Swimming Club on an annual basis. The breakdown of grant funding for the New Swimming Pool was €3.8m from the Department, €300,000 from Limerick County Council, with €500,000 raised by the local Club and Community. Councillor K. Sheahan opined the timing was appropriate for provision of a Fixed Equipment Playground to tie-in with the Swimming Pool Development in Askeaton - the lands for

the preferred playground adjacent to the swimming pool, were Council owned, and the location ideal. Councillor Sheahan requested the support of the Rathkeale Area Committee Members for the Notice of Motion, this Motion to be forwarded to the Director of Services, Community and Enterprise, and the County Secretary.

Councillor K. Sheahan formally proposed the Notice of Motion, with Councillor J. Griffin seconding. Councillors D. Naughton, and J. Sheahan also expressed their support of the Motion. Councillor T. Neville also supported the Motion subject to playground commitments for Rathkeale Town being honored.

Adoption of the Minutes dated 2nd June and 15th June, 2005 Meetings. :

The Minutes of the Area Committee Meetings held on the 2nd and 15th June were adopted, proposed by Councillor J. Griffin, and seconded by Councillor K. Sheahan.

Intoxicating Liquor Bye-Laws :

J. Guinane, A.O., Bruff/Castleconnell, informed Members that a request for introduction of the Intoxicating Liquor Bye-Laws had been received from An Garda Siochana and the University of Limerick - the Gardai informing the Council that no enforcement powers were available to them unless bye-laws were put in place. Mr. Guinane outlined the amendments to the previously discussed Draft Bye-Laws, and was looking for an agreed format from the Area Electoral Committees before being presented to full Council.

Councillor K. Sheahan suggested the Summary Jurisdiction Act, 1857 provided adequate powers to the Gardai, restricting consumption of alcohol in a non-licensed/public area, and powers also available under the Act relating to unlawful assembly.

Councillor J. Griffin spoke of the perceived failure by the Gardai to utilise adopted bye-laws in relation to traffic parking. It was his understanding that the Garda Siochana were not making a case for the liquor bye-laws on the basis that the Courts Service would not enforce existing legislation, and resented the Council being used as a pawn in the “blame game”, especially when adequate powers were already available under the Summary Jurisdiction Act.

Councillors D. Naughton, T. Neville, and J. Sheahan were agreed with Councillors K. Sheahan and J. Griffin in their opposition to adoption of the bye-laws, but that the Committee would re-consider/re-examine the matter, should the Garda Siochana establish the 1857 Act to be unenforceable through the Courts.

2006 – 2008 Multi-Annual Road Works Programme – Proposals for the Rathkeale Area :

B. Martin, S.E.E. briefed Members on the proposed Multi-Annual Road Works Programme for Non-National Roads.

Councillor T. Neville was agreed with the proposed Programme before Members, and queried if monies allocated by the Department were based on the previous year’s expenditure.

Councillor J. Griffin queried if the proposed Programme formed part of the full Road Works Programme for approval at the September Council Meeting.

G. Liston, E.E., confirmed the 2005 Roads Program to have been a “once off” annual programme, with the Department requesting the three year roads plan. The proposed Roads Programme if agreed by Members would require Department approval. He stated a Discretionary Roads allocation was available

to the Area Engineer for secondary and tertiary roads to cater for roads that may come online and not included in the proposed programme.

P. O'Neill, S.E., briefed Members on the benefits of the three year programme, with extra roads to be added to the programme on an annual basis, if additional grant monies are received.

Councillor K. Sheahan stated it was anticipated construction works/development of the Askeaton Swimming Pool would commence during 2006, and noted no consideration had been given to the necessary road improvements/requirements associated with the development, in the 2006 – 2008 Roads Programme - the roads included Kennedy's Bar to the Swimming Pool, and roadway from N69 towards Swimming Pool. There would also be funding of car parking facilities for the development to be addressed, and requested that both items be discussed, with a commitment from Officials to undertake the mentioned works and identify sources of funding. Councillor Sheahan requested the support of all Area Committee Members for the works outlined.

Councillor J. Sheahan suggested that Officials provide the commitment requested by Councillor K. Sheahan, and that the Rathkeale S.E.E., and Roads E.E. examine and cost the proposed improvements, with these works to proceed in 2006.

P. O'Neill, S.E., confirmed the 2006 – 2008 Roads Programme to be for the existing road network and funded through the Department. He informed Councillor K. Sheahan the roadways servicing the Swimming Pool development, and Parking area could be included for consideration for funding through a combination of the Area Roads Discretionary allocation and Development Fund in 2006.

Further to the commitment of the S.E. Roads the 2006 – 2008 Road Works Programme was proposed by Councillor K. Sheahan, and seconded by Councillor John Griffin, with Councillors D. Naughton, T. Neville, and J. Sheahan supporting.

To note projects being funded by the Development Fund :

Roads :

Councillor J. Griffin questioned if the Squares in Rathkeale and Ballingarry were in the ownership of the Council, and that the ownership issue is clarified prior to commencement of any works. He suggested Officials consider the upgrading of public lighting at Enniscuish, as had been requested in early 2005. Councillor Griffin suggested Officials speak with the Senior Planner, as it was his understanding there ongoing discussions regarding relocation of the petrol pumps/tanks at the Square, Rathkeale.

Councillor T. Neville expressed his concern that should the allocated funding for the Rathkeale and Ballingarry Squares be re-allocated, the most focal points in both towns would remain undeveloped. He stated that he had made several representations for the Squares to be re-surfaced/improved and requested Officials to explore use every means to resolve the issues.

P. O'Neill, S.E., informed Members the purpose of the Development Funding was to promote future development and improve/upgrade infrastructural deficiency. If issues arise such as the ownership of the Squares, the allocated funding could be spent on alternative works, and was anxious that all works be completed by current year-end. Mr. O'Neill informed Members the Council would not undertake any re-surfacing works on private property as there were serious insurance implications, and should such an issue arise in respect of the two Squares, the Council would not undertake any re-surfacing/improvement works. Re-surfacing/improvement works would be undertaken if a private roadway was "taken-in-charge".

Councillor K. Sheahan stated he was aware of Council's in other Counties undertaking improvement works to private property and included voluntary and community groups.

Councillor D. Naughton questioned Officials as to the number of roads “taken-in-charge” in the Rathkeale Electoral Area during the past five years. In response, P. O’Neill, S.E., confirmed no roads had been “taken-in-charge” during that period.

B. Martin, S.E.E., informed Councillor Griffin the proposed works would not be undertaken if there were difficulties regarding ownership of the Squares, and would consider use of the funding for upgrading of the public lighting at Enniscuish, or further improvements at Holycross. Mr. Martin stated he had met with the Council’s legal people, whose advice at the time was that the Squares were in public ownership. Officials would undertake a search in the Land Registry Offices over the coming weeks to clarify the ownership.

Councillor J. Sheahan queried the listing priority of the works, and was insistent that all Development Funded Roadworks be completed in 2005.

Councillor K. Sheahan requested a public lighting programme be considered for inclusion in the 2006/2007 Development Fund Programme for the Askeaton Swimming Pool project.

Councillor D. Naughton requested a proposal from Members for upgrading of Public Lighting at Enniscuish, additional footpath improvements at Holycross, and further footpath improvements at Ballingarry, be substituted for works to the Squares in Rathkeale and Ballingarry should there be any difficulties in relation to ownership.

Proposed by Councillor J. Griffin, and seconded by Councillor T. Neville.

Water Services :

G. O’Connor, S.E.E., outlined the Water Services Three Year Programme to Members and included allocations to small towns and villages. The Status Report for commencements during 2005 included Ballingarry, Loughill, with Pallaskenry under assessment. He stated that where a Water Services deficit existed, it was the Council’s aim to promote and upgrade facilities.

Councillor J. Griffin proposed the Ballingarry sewer system be listed/considered for upgrading as a priority. Councillor T. Neville seconded the proposal.

Councillor D. Naughton requested the Water Services Section update Members on progress in relation to the Askeaton/Shanagolden/Foynes Sewerage Schemes at the September Area Committee Meeting.

Community & Enterprise :

M. Griffin, A.O., informed Members that 20% of the Development Funds were allocated to the Community and Enterprise Section. Project funding included local broadband, tourism, development of parks/open spaces, and community facilities. Submissions had been received from forty-five bodies/organisations that were currently being assessed, and it was anticipated a full report would be available for the full Council.

Disposal of E.S.B. Sub-Station at Gortadroma :

T. Tarpey, S.E., briefed Members on details contained in the proposed Disposal Notice, with the projected life of the electricity generation facility between five and ten years.

Councillor D. Naughton stated it was his understanding that the disposal of the land at the Gortadroma Landfill Site to the E.S.B. for one euro, was to facilitate generation of electricity from landfill gasses. His agreement to the land disposal was subject to the lands being returned to the Council for the sum of one euro when the supply of gas from the landfill site ceased. On this basis, Councillor Naughton proposed the disposal of the specified lands proceed.

Councillor J. Griffin seconded the proposal, conditional on the E.S.B. plant being a dedicated facility for electricity generation utilising landfill gas from Gortadroma, as outlined by Councillor Naughton, and also conditional on the commitment to Members from the Senior Engineer, Environmental that this would be the case.

The remaining Rathkeale Area Committee Members present expressed their agreement to the land disposal subject to the conditions suggested by Councillors Naughton and Griffin.

A.O.B. :

Gortadroma Landfill :

Councillor D. Naughton questioned if the Council were still engaged in land purchase at the Gortadroma site, and if so, was the Senior Engineer aware that it was Council policy not to extend the landfill site beyond its existing license. Councillor Naughton also questioned if any additional lands had been acquired was it the intention of Officials to extend the landfill site beyond its existing license boundary ?

Councillor J. Griffin queried at what stage the C.P.O. process was - had professional sales persons been engaged/appointed – was due process followed in the appointment of the persons – had anyone been appointed for arbitration – had Notices of Treat been issued ?

T. Tarpey, S.E., informed Members the landfill site had received 4,800 ton of landfill material in June, with 2,600 tons received in July. Permission was in place for five of the eleven proposed cells, with no proposals currently in place to extend beyond the five cells. Mr. Tarpey stated the landfill cells in current use would be full in the coming twelve to twenty-four months, and would check files and respond to Members specific questions at the September Committee Meeting.

Councillor D. Naughton requested that a written statement/report be furnished to Members at the September Meeting detailing the Council's Landfill Policy for the Gortadroma Site.

Rathkeale Area Meeting in Committee Dates :

The following Meeting dates were agreed :

Thursday, September, 8th – Fire Station, Rathkeale – 11.30.a.m.

Thursday, October 20th – Rathkeale – time to be confirmed.

That concluded the business of the meeting.

Signed: _____ Chairman.

Dated this 13th day of **SEPTEMBER, 2005.**

_____ Secretary.