

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 20 OCTOBER, 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN , 20 DEIREADH FÓMHAIR, 2008.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

R. Beasley	J. Brassil	T. Buckley
M. Cahill	M. Connor-Scarteen	B. Cronin
T. Ferris	S. Fitzgerald	T. Fitzgerald
T. Fleming	N. Foley	M. Gleeson
D. Healy-Rae	M. Healy-Rae	D. Kiely
P. Leahy	B. MacGearailt	P. McCarthy
A. McEllistrim	C. Miller	B. O'Connell
J. O'Connor	P. O'Donoghue	M. O'Shea
L. Purtill	J. Sheahan	

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. M. McMahon, Director of Planning	Mr. J.D. Flynn, Director of Corp. Servs.
Mr. O. Ring, Director of Water Servs	Ms. A. Haugh, Dir. of Environment
Mr. C. O'Sullivan, Dir. of Roads	Mr. G. O'Brien, A/SEO Corp. Affairs
Mr. L. Quinlan, SEO Housing	Mr. P. Corkery, Press & Comm. Officer
Mr. V. Hayes, Exec. Env. Officer	Mr. T. Sheehy, EE Planning
Ms. S. Ronan, AO Housing	Ms. B. Reidy, SSO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. K. Felle, CO Corporate Affairs
Ms. C. Nagle, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs

The meeting commenced at 10:40am.

Mayor T. Fleming took the Chair.

**Votes of Sympathy**

- A. Cllr M. Healy-Rae extended a vote of sympathy to the Browne Family, Ballinskelligs on the death of their mother Mrs. Eileen Browne. Eileen was a teacher and a valued member of the community and had given excellent guidance to young people down through the years.
- B. Cllr. M. Healy-Rae extended a vote of sympathy to Timothy (Tade) Downey, Dromnevane, Kenmare on the tragic death of his father Paddy Downey,

Templeno, Kenmare who died following a car accident recently. Paddy was a very hard working, pleasant man.

- C. Cllr. M. Connor-Scarteen extended a vote of sympathy to Mrs. Kathleen Doyle and Family, Scarteen Backwater Post Office on the death of her husband Patrick. Patrick was a great GAA man and community activist.
- D. Cllr. L. Purtill extended a vote of sympathy to Danny & Michael O'Carroll, Main Street, Ballylongford on the death of 93 year old Mary O'Carroll. Mary was a wonderful person who was very involved in the community.
- E. Cllr. B. Cronin extended a vote of sympathy to Mary B. O'Sullivan, Killeagh, Farranfore on the death of her husband Timothy.
- F. Cllr. D. Healy-Rae extended a vote of sympathy to the sons, daughters and grandchildren of the late Ambrose and Hannah O'Donovan, Gneeveguilla both of whom died in the last few weeks. Ambrose Junior played for the Senior Kerry Football Team.
- G. Cllr. T. Fitzgerald extended a vote of sympathy to Cllr. Terry O'Brien on the death of his brother Donal. He also extended his sympathy to Terry's mother and father Jerry and Mary O'Brien.
- H. Cllr. P. O'Donoghue extended a vote of sympathy to Ger Moran, Ballinskelligs on the death of his father Jim Moran, Sussa, Ballinskelligs, who died recently. Jim was a former member of staff in Kerry County Council and his son Ger works in the Housing Department.
- I. Cllr. R. Beasley extended a vote of sympathy to Mike and Phil O'Connor, Sandhill Road, Ballybunion on the death of their daughter Michelle who died recently after a long illness. He also extended his sympathy to Michelle's son.
- J. Cllr. R. Beasley extended a vote of sympathy to Niall Rice Jnr., Tullahinell, Ballylongford on the death of his mother Michelle.
- K. Cllr. R. Beasley extended a vote of sympathy to Mrs. Kennelly & Family, Urlee, Lisselton on the death of her husband Joe.
- L. Cllr. R. Beasley extended a vote of sympathy to Frank Murphy on the death of his wife Noreen from Sandhill Park, Ballybunion.
- M. Cllr. R. Beasley extended a vote of sympathy to the Horgan Family, Marconi Avenue, Ballybunion on the death of their mother Mary.

N. Cllr. M. Cahill extended a vote of sympathy to Mrs. Noreen O'Toole and Family, Curraheen, Glenbeigh on the death of her husband Mick O'Toole who was a former Sergeant in Glenbeigh. Mick was very involved with the local community.

O. Cllr. D. Kiely extended a vote of sympathy to Mr. Tim Mulvihill & Family, Kilpadogue, Tarbert on the death of Josie Scanlon.

### **Get well wishes**

Cllr. M. Cahill wished Mick Miller, brother of Cllr. Colin Miller, a speedy recovery following a recent road traffic accident.

All members said they wished to be associated with these wishes for a speedy recovery.

### **Debate on the Budget 2009**

Cllr. B. Cronin requested that the Mayor permit a debate on the Budget 2009.

In response the Mayor said that there was an exceptional heavy agenda to be dealt with and there was also a presentation by the Carers' Association scheduled for 12:15pm and a Civic Reception at 1pm. He undertook to give members an opportunity to debate the Budget at 3pm.

Cllr. B. Cronin PROPOSED that the debate on the Budget would be held at 3pm.

Cllr. M. Gleeson SECONDED this proposal.

Cllr. T. Ferris PROPOSED that the debate on the Budget would be held immediately.

The Mayor declined to accede to this request.

Cllr. T. Ferris stated that she wished to note her protest that members were not allowed to discuss the Budget at that time.

### **Vote of Congratulations**

Cllr. R. Beasley congratulated Cllr. T. Ferris on being selected to represent the Sinn Fein party in the forthcoming European Elections.

### **08.10.20.01 Mayor's Report on the Corporate Policy Group meeting held on the 14 October 2008**

The Mayor read the following report into the record of the meeting.

**Item 1            Agenda for the October Council Meeting**

Mr. G. O'Brien briefed members on the agenda for the October Council meeting.

Mr. O. Ring, Director of Water Services, referred members to Item No. 9 'To note the position relating to lead piping in the Kerry water supplies' and said this report was compiled following the difficulties that arose in Galway. He would brief the Council on his report at the Council meeting.

**Item 2            Notices of Motion**

**(a) Procedure for dealing with motions relating to amended Electoral Areas post 2009 Local Elections**

Mr. J.D. Flynn, Director of Corporate Services, referred members to his report on the procedure for dealing with motions relating to amended Electoral Areas post 2009 Local Elections. Mr. Flynn's full report is attached.

Following a debate it was unanimously agreed that the CPG would recommend to the full Council that the current position would remain and there would be no changes to the existing Area Committees until after the 2009 Local Elections.

**(b) Consideration of area specific motions for full Council Meetings**

Mr. G. O'Brien informed the meeting that this matter was being brought before the CPG because of the debate that took place in the Chamber at the September meeting. While Standing Orders may allow members to submit area specific motions for consideration at full council meetings it is intended that this would only happen if a commitment given, in response to a motion, at an area meeting was not honoured. To ensure that meetings are conducted in an orderly and efficient manner it is important that area specific motions are dealt with at Area Meetings and the co-operation of all members is required to achieve this.

The CPG unanimously endorsed the current policy where area specific motions not dealt with at an Area Meetings in the first instance will not be permitted on the agenda for full council meetings.

**(c) Replies to Notices of Motion for full Council meeting**

Mr. G. O'Brien informed the meeting that replies to notices of motion are no longer read at council meetings as the mover of the motion has already received the reply. Other members have not seen the reply and the mover of the motion usually comments before other members have had an opportunity to read the reply on the overhead screen. This is creating confusion and all members are not being given an equal opportunity to study the reply. He suggested that it

would be appropriate that the shorter replies would be read out at the meeting and that longer replies would continue to be circulated to all members as is the current practice and that members would be given an opportunity to read longer replies before the mover of the motion would comment on it.

The CPG unanimously agreed that the shorter replies to notices of motion would be read at the meeting and the main points in the longer replies would be highlighted and read to the meeting. Members would be given an opportunity to read longer replies before the mover of the motion would comment on it.

### **Item 3           County Development Board**

Mr. J. Breen informed the meeting that the CDB Executive would be meeting on Friday morning next and the next CDB meeting would be held on the 7<sup>th</sup> November. The following are the items to be considered at that meeting.

- Report on Priority Actions
- Services for the Elderly Draft Strategy
- National Development Plan Monitoring Update
- Current Economic Situation and its impact on Kerry and the CDB's response
- Information Updates by Mr. Andrew McCarthy, SIPTU and Mr. Dominic O'Sullivan of the Department of Education.
- Indecon Report
- Draft Hub Social Strategy
- Update on Cohesion

The Mayor said that he had received a request from Geraldine O'Sullivan to be given the opportunity to make a presentation to the CDB on voluntary organisations in the county. He asked Mr. Breen to arrange this with Ms. O'Sullivan.

Mr. Breen undertook to liaise with Ms. O'Sullivan to facilitate this presentation to the CDB.

### **Item 4           Update from the Chairs of the SPC's**

Cllrs. D. Kiely and B. O'Connell informed the meeting that they would be giving updates at the October meeting on the activities of their SPC's.

It was noted that there was no meeting of the Community, Culture and Tourism SPC since the last CPG meeting.

**Attachment to the Mayor's Report**

14<sup>th</sup> October, 2008

**To: Mayor Tom Fleming  
Each Member of Corporate Policy Group**

**Re: Local Electoral Area Boundaries up until next Election**

The current Electoral Boundaries for which members were elected to and currently represent remain in force statutorily until the next Local Election in June 2009.

The new Electoral Boundary changes as recommended by the Electoral Area Boundary Commission will not come into effect until after the next election in June 2009. It is only at that stage following the 2009 Local Elections that the members elected to the new Electoral Areas will have a mandate for these areas in relation to the functioning of Area Committees. The current electoral areas have Area Committees on which the elected members for that area by virtue of their election in the 2004 Local Elections sit.

In light of this it would appear to be appropriate that the particular Area Committee would confine itself to issues within its own Electoral Area in relation to Deputations, Notices of Motion etc. until after the next Election in June 2009.

It is open to elected members of Kerry County Council to review these arrangements in relation to the setting up of Area Committees as provided for in Section 50 of the Local Government Act 2001. Any review of the Area Committees has implications for both the elected members and management structures.

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John D. Flynn,  
Director of Corporate Services/Stiúrthóir Seirbhísí Corparáideacha

Cllr. M. Healy-Rae said that he objected to the letter attached to the Mayor's Report relating to the Local Electoral Boundaries up until the next election. He added that it was not the elected members that changed the boundaries but they must live with them. It is not fair to say that members cannot get replies to notices of motions relating to the new areas that will be in their constituencies from next June and this cannot be tolerated. Already elected members are receiving queries and problems from people within these areas and members are anxious to retain the right to put down notices of motions for these areas. This is the work of the elected member and they are honour bound to represent their constituents.

Cllr. M. Gleeson asked that members be given replies to notices of motion in advance.

Cllr. J. O'Connor requested clarification on Section 50 of the Local Government Act 2001 and said that following the Local Elections in 2009 the area beyond the bridge in Killorglin on the Killarney road will be in a new electoral area and he hoped that the members from that electoral area would make every effort to ensure that the NRA provide funding for completion of the footpath on that road.

The Mayor then called on Cllr. D. Healy-Rae to move Notice of Motion No. 21 as it related to this topic.

## **21 Administration changes to facilitate the representation of the Castleisland and Cordal areas**

### **Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:**

To ask Kerry County Council to make the necessary administration changes to facilitate the representation of the Castleisland and Cordal areas which are now part of the Killarney Electoral Area being recommended by the Boundary Commission and accepted by the Minister for the Environment, John Gormley.

Mr. G. O'Brien, Acting S.E.O., read the following report.

The current Electoral Boundaries for which members were elected to and currently represent remain in force statutorily until the next Local Election in June 2009.

The new Electoral Boundary changes as recommended by the Electoral Area Boundary Commission will not come into effect until after the next election in June 2009. It is only at that stage following the 2009 Local Elections that the members elected to the new Electoral Areas will have a mandate for these areas in relation to the functioning of Area Committees. The current electoral areas have Area Committees on which the elected members for that area by virtue of their election in the 2004 Local Elections sit.

In light of this it would appear to be appropriate that the particular Area Committee would confine itself to issues within its own Electoral Area in relation to Deputations, Notices of Motion etc. until after the next Election in June 2009.

It is open to elected members of Kerry County Council to review these arrangements in relation to the setting up of Area Committees as provided for in Section 50 of the Local Government Act 2001. Any review of the Area Committees has implications for both the elected members and management structures.

Mr. J.D. Flynn, Director of Corporate Services, said that no member has been elected to the new electoral areas yet as these will only come into affect after the Local Elections 2009. Section 50 of the Local Government Act 2001 allows members to review the area committees. The present position was established

by resolution of the Council in 1998, however, members can make changes to electoral areas in accordance with Section 50 of the Local Government Act 2001.

Cllr. J. O'Connor said that an item should be included on the agenda for the next area or full council meeting to give affect to the changes in the local electoral area boundaries. This can be discussed at area meetings and members can forward their recommendations.

Cllr. B. Cronin said that he objected to the restriction being placed on members by preventing them from putting forward notices of motion for the new areas which will form part of their electoral area from June 2009. Members must be permitted to represent the people of these areas. He PROPOSED that members implement a review in accordance with Section 50 of the Local Government Act 2001 on the proposed new electoral areas. He added that following the revision of the planners areas recently there are three different planners working in the Killarney Electoral area. This makes no sense and is very unsatisfactory for members. He added that there should be one planner for the Killarney electoral area.

Cllr. D. Healy-Rae referred to the letter attached to the Mayor's Report on the local electoral area boundaries and said that it was very unfair on elected members as Castleisland will be in the Killarney electoral area for the next Local Elections. For this reason he is working with the people in that area at the present time. To be fair to the people of Castleisland members must be allowed to highlight their issues in the run up to the Local Elections. He PROPOSED that the necessary administration changes be made to facilitate members at area meetings in the light of these changes.

Cllr. T. Fitzgerald said that it is important to ensure that all the people of Kerry are represented up to the Local Elections and members must be facilitated where areas are being moved from one electoral area to another.

Cllr. B. Cronin asked if his proposal was accepted.

In response Mr. T. Curran, Co. Manager said that there is no question of members not being allowed to write in and represent people in these new areas. He added that if he changed the areas to reflect the new boundaries then the existing councillors would be disadvantaged. This is a matter for members to decide but they must work within the law.

Cllr. D. Healy-Rae said that the members who will represent the constituents being moved to new areas will have the greatest interest in representing them up to the Local Elections and that is why he submitted the notices of motion.

Cllr. M. Healy-Rae PROPOSED that prior to the Local Elections in 2009 the Killarney councillors would be permitted to attend Tralee area meetings while the Killorglin councillors would be permitted to attend the Killarney area meetings.

Cllr. M. Connor-Scarteen SECONDED this proposal.

Cllr. B. Cronin said that he was simply seeking accommodation for councillors prior to the Local Elections.

Mr. J. D. Flynn, Director of Corporate Services said that it would be necessary to pass a resolution as follows – that in accordance with Section 50 of the Local Government Act 2001 that Kerry County Council resolves that in relation to the current Area Committees and the new electoral areas that members who will be representing the new electoral areas outside the current Area Committee structure will be allowed attend and put down Notices of Motion in the relevant Area Committee in relation to the electoral areas that they will be representing after the next election.

This was unanimously agreed.

Cllr. J. O'Connor asked if members would be permitted to submit notices of motion for the new electoral areas.

In response Mr. J.D. Flynn confirmed that they would be permitted to do so.

### **Affordable Housing in Ardfert**

Cllr. T. Ferris called on the Housing Department to ensure that the sale of Affordable Houses in Ardfert is completed prior to Christmas.

Mr. L. Quinlan, SEO Housing, undertook to ensure that, where possible, these sales would be completed prior to Christmas.

### **08.10.20.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald it was resolved that the minutes of the September Ordinary meeting of Kerry County Council held on the 15<sup>th</sup> September 2008 be confirmed.

### **08.10.20.03 Disposal of Property**

#### **(a)**

- (i) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. M. Gleeson it was agreed to approve the disposal of Affordable House No.1 Pairc an Fhearainn, Ardfert to Wesley and Anna Raymond, Devane's House, Lohercannon Tralee in accordance with the terms of notice issued the 30<sup>th</sup> September 2008 pursuant to Section 183 of the Local Government Act

2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

- (ii) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. A. McEllistrim it was agreed to approve the disposal of Affordable House No. 4, Pairc an Fhearainn, Ardfert to Gemma Dowling and John O'Mahony, 9 The Willows, Clonmore, Tralee in accordance with the terms of notice issued 30<sup>th</sup> September 2008 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (iii) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. A. McEllistrim it was agreed to approve the disposal of Affordable House Ho. 6 Pairc an Fhearainn, Ardfert to Christopher and Lisa Edge, Ardahan, Ardfert in accordance with the terms of notice issued 30<sup>th</sup> September 2008 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (iv) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin it was agreed to approve the disposal of Affordable House No. 9 Pairc an Fhearainn, Ardfert to Thomas Lyne and Niamh Greensmith, 21 Oakview, Tralee in accordance with the terms of notice issued 30<sup>th</sup> September 2008 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (v) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. A. McEllistrim it was agreed to approve the disposal of Affordable House No. 10, Pairc an Fhearainn, Ardfert to Eileen Sayers, 24 Oakpark Demesne, Tralee in accordance with the terms of notice issued 30<sup>th</sup> September 2008 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (b) Cllr. S. Fitzgerald referred to Item 3b and said that Mr. O'Connor was not satisfied with the portion of land being offered to him by the Council. He PROPOSED that the Section 183 notice before the members for consideration be withdrawn and that the Housing Department would review the disposal of this land with Mr. O'Connor.

Cllr. J. O'Connor SECONDED this proposal and it was unanimously agreed.

(c)

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the disposal of a plot of land measuring 0.013 areas approximately at Farran, Dingle to Nicholas and Marie Galvin, 36 Marian Park, An Daingean in accordance with the terms of notice issued the 6<sup>th</sup> October 2008 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

#### **08.10.20.04 Dates for Meetings**

- (a) It was agreed that the Finance Briefing would be held at 10:30am on Monday, 24<sup>th</sup> November 2008.
- (b) It was unanimously agreed that the Presentation on the Draft River Basin Management Plans would take place at 12:15pm on Monday, 24<sup>th</sup> November 2008.
- (c) It was unanimously agreed that the Council's Budget 2009 Meeting would be held at 11am on Friday, 5<sup>th</sup> December 2008.
- (d) It was unanimously agreed that the Council's Adjourned Budget 2009 Meeting would be held at 10:30am on Monday, 8<sup>th</sup> December 2008.

#### **08.10.20.05 Dates for the Next Round of Electoral Area Meetings**

The following dates were agreed for the next round of Electoral Area Meetings:

<b>Area</b>	<b>Date</b>	<b>Venue</b>	<b>Time</b>
Tralee	Monday 10 <sup>th</sup> Nov.	Council Chambers	10:40am
An Daingean	Wed. 19 <sup>th</sup> Nov.	Farranakilla House	10:30am
Killorglin	Friday, 21 <sup>st</sup> Nov.	Caherciveen	10.00am
Killarney	Tuesday, 25 <sup>th</sup> Nov.	Town Hall, Killarney	10:00am
Listowel	Monday, 1 <sup>st</sup> Dec.	Áras an Phiarsaigh	10:00am

#### **Presentation to Council**

Cllr. D. Healy-Rae requested permission to bring a presentation to a full council meeting on new low energy housing which is being provided by Mr. Cronin in Killarney.

In response Mr. G. O'Brien said that the presentations normally given at Council meetings are by voluntary organisations. Mr. Cronin is a commercial developer and the most appropriate place for this presentation would be at the Housing SPC.

Cllr. D. Healy-Rae said that this is very worth while and he felt that it was important that they would be permitted to make a presentation to council.

Cllr. B. Cronin expressed concern at a private building contractor being afforded the opportunity to make a presentation to the full council.

The Mayor said that in the absence of Mr. John Breen, Director of Housing, he would suggest the presentation be made to the Housing SPC and the members of the SPC could go on a site visit to view these houses. The developer could hold a seminar and invite people to attend.

Mr. J.D Flynn, Director of Corporate Services, advised the meeting that the Housing SPC would evaluate all matters. It is not appropriate that a commercial developer would be invited to make a presentation to the full council as procurement issues may arise.

Cllr. P. O'Donoghue PROPOSED that Mr. Cronin be invited to make a presentation to the Housing SPC and that they would consider all concepts available in low energy housing.

### **Contamination of the water supply in Tulligmore, Killorglin**

Cllr. M. Healy-Rae asked Mr. O. Ring, Director of Water Services, to make a statement regarding contamination of water in Tulligmore, Killorglin later in the meeting.

### **08102006 Draft Kerry County Council Bye-Laws for Cemeteries**

Cllr. B. O'Connell, Chair of the Environment and Water Services SPC said that Kerry County proposes to make Cemetery Bye-Laws to ensure the orderly development and regulation of activity in the county's burial grounds. The Draft Bye-Laws for Cemeteries are being brought before the members for their information prior to the commencement of the public consultation process that is required for the making of Bye-Laws. The public consultation process will afford members of the public an opportunity to make a submission/observation on the Draft Bye-Laws. The proposed Bye-Laws have been considered by the Environment and Water Services SPC and have now recommended that they be put forward for public consultation. When public consultation is complete, the Bye-Laws will come back before the council for further consideration. In conclusion Cllr. O'Connell PROPOSED that the Draft Bye-Laws for Cemeteries be put forward for public consultation.

Cllr. M. Gleeson SECONDED this proposal and said that the Draft Bye-Laws are very important. He added that there is both a public and private cemetery at Aghadoe and he called on the council to try to achieve consistency in the regulation of both these burial grounds. He asked has the council any power

over the private cemetery and he also asked that this issue be considered in the interest of fair play.

Cllr. B. Cronin supported the introduction of the Bye-Laws for Cemeteries and said that he had seen many very large head stones erected in some cemeteries. He requested clarification that there would be no charge arising from the introduction of these Bye-Laws as in other local authorities.

In response Mr. O. Ring confirmed that there is nothing in the Bye-Laws authorising the imposition of fees.

Cllr. J. O'Connor requested clarification on the burying of an urn and asked what size box would have to be used.

In response Mr. O. Ring said that the Bye-Laws have been amended to take this into account and to allow a small box to be used to bury an urn.

Cllr. P. McCarthy referred to the Draft Bye-Laws and in particular Paragraph 7, "Mode of Burial", and read the following extract

"No interment shall be permitted in any Cemetery, nor shall any deceased person be admitted into any place of reception of bodies previous to interment, unless the body be enclosed in a coffin of wood or other sufficiently strong material, in the latter case, subject to the written permission of the Council". Cllr. McCarthy requested clarification on this statement.

Mr. O. Ring informed members that in general that paragraph is stating that all bodies must be buried in a coffin except where the permission of the council is given. There are no restrictions on the number of burials in a burial space.

Cllr. P O'Donoghue welcomed the Draft Bye-Laws but said that some parts of it are very intrusive. He referred in particular to Paragraph 8 under the heading "Opening of Graves" which states

"No unwallled grave shall be re-opened within 14 years after the burial of a person unless to bury another member of the same family".

Cllr. O'Donoghue said that the Council is trying to decide who should be buried in a family plot and that is unduly intrusive. He asked who would decide who was a family member and he said that if a family wants someone to be buried in their plot that is their business. He agreed that the guidelines are necessary on the provision of headstones and he requested that the guidelines would be forwarded to those who make headstones in the county rather than putting the onus on elderly persons to contact Kerry County Council regarding the provision of headstones.

Cllr. M. Healy-Rae supported the sentiments expressed by Cllr. O'Donoghue.

Cllr. B. Cronin asked if there was a Code of Practice regarding the re-opening of graves.

Mr. O. Ring said that this is covered in Paragraph 8 of the Draft Bye-Laws. It is intended that the Bye-Laws will be put out for public consultation and it may be necessary to clarify a number of issues. The guidelines to be issued cover the size of a headstone that would be permitted and if the headstone complies with these guidelines it will not be necessary to apply to Kerry County Council for permission to erect the headstone.

Cllr. M. Healy-Rae welcomed the Draft Bye-Laws and said that it will bring uniformity to the headstones being erected in the burial grounds throughout the county.

Cllr. S. Fitzgerald referred to Paragraph 6 on the Draft Bye-Laws under the heading – “First Interment” which states

“Each grave, when opened for the first interment therein, shall be sunk to the depth of 2.45m at least.”

Cllr. Fitzgerald stated that if a small child's coffin is to be buried 2 or 3 feet would be sufficient and he asked that this would be considered.

Cllr. T. Ferris referred to Paragraph 8 and the reference to another member of the same family and asked if this would be omitted. She then referred to Paragraph 19 under the heading – “Shrubs and Flowers” – and asked why was it so prescriptive. She asked if people would be permitted to set flowers on graves and why was the use of timber being precluded. In the Ardfert burial ground a number of infants have been buried and timber was used and this is appropriate.

In response Mr. O. Ring said that the Bye-Laws are prescriptive because of some monuments that have been erected in burial grounds throughout the county. In recent years the focus has been on lawn type burial grounds and it is important that the Council would take control of what is happening in burial grounds. The Bye-Laws will relate to new graves and it is hoped to achieve consistency so that some headstones will not be over shadowed by others. The lawn type burial grounds allow for ease of maintenance.

Cllr. T. Ferris pointed out that people are individuals and she asked why was it necessary to have such uniformity.

Mr. O. Ring stated that the Draft Bye-Laws are putting a limit on the height of headstones where a maximum of 1m will be permitted.

Cllr. T. Ferris referred to Paragraph 21 which deals with the type of materials that can be used in headstones. This states that timber or iron will not be permitted. She called on Mr. Ring to visit the Ardfert burial ground where timber has been used on a number of infants' graves.

In response Mr. O. Ring said that iron work is durable but timber rots with time.

Cllr. D Healy-Rae expressed concern at the proposed depth of 8 feet for a grave and said that he would be concerned for the safety of grave diggers as this depth of grave could collapse.

Mr. O. Ring said that once an excavation of over 1.2 metres is carried out the grave space must be supported and made safe in accordance with health and safety legislation. If graves are deeper it will allow for a greater use of space.

Cllr. D Healy-Rae said that he could see a serious problem in conducting the digging of graves and because of the proposed depth they will have to be wider. The council should work with undertakers and grave diggers to ensure graves are dug safely. He added that he was not aware of the type of shuttering required for the digging of graves. He PROPOSED that the council would work with undertakers and diggers to ensure their safety.

Cllr. P. O'Donoghue said that the Draft Bye-Laws state that the Register will indicate if the deceased person was divorced or separated. This is very intrusive and he felt that it was inappropriate to go into that level of detail. The name and address and occupation of the deceased person should be sufficient.

#### **08.10.20.07 Preparation of the Draft Traveller Accommodation Programme 2009 -2013**

Mr. L. Quinlan, SEO Housing referred members to report dated 14<sup>th</sup> October 2008 on this item which was circulated. He informed the meeting that a programme of Traveller Accommodation is a requirement under the Housing (Traveller Accommodation) Act 1998, and the current plan is due to expire the end of this year. The new programme is to cover a 5 year period from 2009 – 2013. As part of the preparation phase, adjacent Local Authorities and the Town Councils, as well as Irish Travellers Movement, Kerry Travellers Development Project and the Social Inclusion Measures Group have been notified that the drafting process has commenced and have been invited to make a submission. A survey of accommodation needs have also been circulated to Travellers residing in the county. The Draft Plan will also be considered by the Local Traveller Accommodation Consultative Committee.

When the plan is drafted, a public notice will be published in the newspaper, advising that the plan is available for inspection and inviting submissions. It is anticipated that this will be in late October or early November. The plan remains

available for inspection and written submissions may be made for a period of two months. Early in the New Year a full report will be brought to council. The new Traveller Accommodation Programme 2009 -2013 will target accommodation requirements according to demand area. Other areas that will be examined will be targets in the area of RAS accommodation, assistance in sourcing Private Rented accommodation and greater involvement among Voluntary Housing Providers.

It was unanimously agreed to note this report.

#### **08.10.20.08 Kerry Road Safety Strategy 2008 – 2012**

Cllr. D. Kiely Chair of the Roads and Transportation SPC informed the meeting that in October 2007 the Road Safety Authority launched a five year Plan to reduce collisions, deaths and serious injuries on Irish roads by 30%. It aims to bring Ireland in line with the countries that are considered to have the safest roads in the world, countries such as the Netherlands, Sweden, Norway and the United Kingdom. The Plan identified 126 specific measures or actions to achieve this objective through the four E's – education, engineering, enforcement and evaluation. There are a number of actions in the Plan, which requires local authorities to work in consultation with the NRA, the Road Safety Authority and other agencies at local level, in the delivery of this Plan. One of the key requirements in the Plan is to develop a local strategy to promote road safety at a local level. The Kerry Road Safety Strategy 2008 – 2012 has been developed in conjunction with the NRA, the RSA, An Garda Síochána and the HSE in Kerry through the Transport SPC.

The strategy examined reported traffic accidents in Kerry for 2002, 2004 and 2006. In total 618 accidents, which resulted in 43 fatalities and 844 injuries, were examined as well as the nature of the incidents and the primary causes. The following is a summary of the issues identified:

- 138 pedestrians were involved in RTA's – This represents 13% of the total.
- Single vehicle collisions accounted for 247 accidents (representing 25% of all collisions, which is higher than the national average of 19%).
- 17% of Road Traffic collisions involved a head-on conflict.
- Of the 59 people killed on our roads between 2003 and 2006, 41 (69%) were over the weekend (Saturday to Monday morning).
- 41% of fatal collisions were between 11pm and 4pm and 24% between 5pm and 10pm.
- 81 people were killed on our roads between 2002 and 2007 – the highest number of fatalities being 21 in 2006 (this year 16 people have lost their lives on our roads to date)

The Strategy also examined the number of penalty points issued in Kerry since the introduction of the system in 2002. Almost 74% of penalty points were issued for speeding and 12% for non-use of safety belts by drivers.

The Strategy sets out an Action Plan by the primary agencies in the county to raise awareness of road safety, to make our roads safer, to provide visible appropriate enforcement and to evaluate all actions undertaken. The Action Plan is proposed on the basis of the level of resources currently committed to the development of road safety by all these agencies. The Strategy has been considered by the Transport SPC and is being recommended for approval by Council.

Cllr. M. Gleeson said that X-Zeon lights used in some vehicles can be blinding and he was satisfied that they contributed hugely to accidents. He recommended to the Department of Transport that these lights would no longer be permitted to be used.

Cllr. B. O'Connell referred to the Castleisland Bye-Pass and complemented the staff of Kerry County Council and the NRA Office in Castleisland on the progress made on this project to date. However, he rejected the recent Government decision to shelf this project as Castleisland is the gateway to the county. The absence of a By Pass gives a very bad impression to tourists and he called on all Oireachtas Members to work together to get this decision reversed.

Cllr. S. Fitzgerald welcomed the Kerry Road Safety Strategy. He referred to Notice of Motion No. 5 which he submitted regarding speed limits outside schools and said that if speed limits and flashing lights were provided at all schools they would be more effective.

Cllr. T. Fitzgerald welcomed the Road Safety Strategy and said that 69% of all road deaths happen at the weekends. There will have to be a greater effort by the Gardaí to police our roads at weekends. He then referred to speed limits outside schools and said that he would like to see a more detailed report presented to Council on proposals for schools around the county to ensure the safety of children. He shared the frustration of Cllr. O'Connell regarding the Castleisland By-Pass as he had expected it would go to construction before the end of the year. He requested that the N.R.A. be asked what were their priorities in deciding what projects would not proceed and why will the Castleisland By-Pass not proceed to tender.

Cllr. D. Healy-Rae welcomed the Road Safety Strategy and said that there is a serious issue with speed limit signs near schools. There are 80Km per hour speed limits signs near many schools including Glenflesk, which is off the N22. The 80km per hour speed limit sign is located 100 yards from the school and this is encouraging motorists to speed as they approach the school. He called for the removal of this sign. He expressed concern that there was an increase in road

deaths in the county in 2008 and this included one death in Kenmare last week. That was the second death on that stretch of road in a short space of time. He suggested that speed limiter should be fitted to cars for learner drivers and he asked that a letter be forwarded to the Minister to consider this suggestion. He then referred to the shelving of the Castleisland By-Pass project and said that he would move Notice of Motion No. 7 as it relates to this topic.

## **7. Castleisland By-Pass**

### **Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:**

“That Kerry County Council ask the NRA to commence work on the Castleisland By-pass before the end of 2008 as motorists are tormented trying to get through the town”.

Cllr. D. Healy-Rae expressed his disappointment that this project has been delayed by 12 months and stated that Deputy Jackie Healy-Rae had highlighted his concerns regarding this to Minister Cullen. This is a backward step for the county and every effort must be made to reverse this decision and to ensure that the project proceeds in 2009. He formally PROPOSED his motion.

Cllr. P. McCarthy SECONDED it.

Cllr. B. Cronin said that the Kerry Road Safety Strategy is a very important document. While there are various speed limits around the county drivers do not adhere to them. He referred to the Two Mile School and the also the schools at Faha and Fossa and said that the flashing lights with the speed limit on it should be considered for all schools. It would then be a matter for the Gardaí to enforce these speed limits. The Principals of these schools have contacted the Gardaí asking them to monitor speed limits at their schools. He expressed his disappointment at the shelving of the Castleisland By-Pass project and said that it was a devastating blow for the county. He referred to the Sunday Business Post of the 19<sup>th</sup> October, in which an article stated that Fred Barry, Chief Executive of the N.R.A. said that they may freeze all new road projects for a period of four years, until ongoing projects are completed.

Cllr. M. Gleeson said that he had suffered for a long time regarding the new Farranfore to Lissivigeen Road and now it is the turn of the people of Castleisland. The lack of progress on these projects is impacting on the economy of the entire county. People leave the cities to escape traffic delays and he believed the shelving of these projects shows a lack of vision by the Government. If they were allowed to proceed the economy of the county would grow and this would result in a greater income for the Exchequer.

Cllr. J. Brassil said that timetables had been set out for national primary upgrades and the completion dates for projects should be revised to reflect reality. 73% of penalty points given out in Kerry in the last year were for

speeding with a high percentage also for people not wearing seatbelts and using mobile phones. It is important to get the message out to motorists and passengers that they must use safety belts. The use of a mobile phone while driving is a dangerous practice and should be unacceptable from a road safety point of view. A strong promotional campaign should be undertaken to encourage those who walk on the roads to use high visibility clothing.

Cllr. P. McCarthy welcomed the Road Safety Strategy and expressed his disappointment at the number of fatalities on the roads in Kerry to-date in 2008. He expressed his disappointment that the Castleisland By-Pass Project will not go to construction this year and said that by and large the cost of this project is small in the context of Transport 21 and the budget for it. This By-Pass would make a huge difference to the economy of the county. He PROPOSED that the Mayor and the County Manager, assisted by Oireachtas Members, would meet with the Minister of Transport as soon as possible in an effort to get this project approved for construction by the end of 2009.

Cllr. M. Gleeson SECONDED this proposal.

Cllr. T. Fitzgerald suggested that the N.R.A. would also be invited to this meeting.

This was agreed.

Cllr. M. Cahill said that in the past he had highlighted the importance of appropriate speed limits in the vicinity of primary schools and there is an urgent need to review the Speed Limit By-Laws but he understood that this would not happen for some time. He requested that this review be brought forward.

Cllr. R. Beasley welcomed the Road Safety Strategy and referred to the Doon Road in Ballybunion where there are national and secondary schools and a large housing estate. He said it is only a matter of time before there will be a serious accident on this road unless measures are taken to reduce speed on the road. The Ballybunion Listowel Road has an 80km per hour speed limit which is the same as the Muhane Road. This road should be reduced to 50km per hour, while the main Listowel Ballybunion should be 100Km per hour. The issue of funding for the Castleisland By-Pass was highlighted before the 2007 General Election but it is now postponed. This By-Pass is extremely important for tourism in the county and he requested that a letter be forwarded to the N.R.A. that this matter would be taken into account when considering funding for this project.

Cllr. D. Kiely supported the sentiments expressed by Cllr. Beasley and said that all side roads have an 80km per hour speed limit which is ridiculous as a 60km per hour speed limit would be sufficient.

Cllr. J. O'Connor welcomed the Strategy and said the importance of training at both national and secondary school level cannot be underestimated. He referred

to slow drivers on the road, who travel at approximately 25 miles per hour, and said that they are a danger on the roads. He referred to the review of speed limits and said that in the course of the last review Members recommended that many speed limits be changed but only seven or eight of these were accepted. He said that Members should have a greater input into the review of speed limits. He referred to the Iveragh Road and said that the step out is causing a lot of problems and needs to be reviewed. On the Killarney road out of Killorglin footpaths were provided on both sides of the road instead of providing one long footpath and this must be addressed. He also requested that funding be provided for a footpath at Sunhill when agreement is reached with the landowners.

Cllr. McEllistrim complimented the work of the Road Safety Officer in Kerry County Council and emphasised the need to educate young people in road safety. She requested that an education programme be introduced for pedestrians using pedestrian crossings.

Cllr. M. Healy-Rae referred to Lauragh National School, which is on a very dangerous stretch of road, and said that many lives are put in danger at this location each day. There is no proper car park there and he called on the Council to address this issue. He referred to crossroads in Killorglin and said that the local people have been campaigning for speed limits for some time. This is a dangerous junction and it merits a review of the speed limit. He supported the sentiments expressed by Cllr. O'Connor in relation to the dangerous situation in Sunhill, where a lot of development has taken place yet the infrastructure is inadequate. Footpaths and public lighting are urgently needed in Sunhill.

Cllr. J. Sheahan agreed with the sentiments expressed regarding speed limits outside schools and said that there is a lack of consistency. There are many bad roads in the county and the speed limit is too high. He added that 50km per hour speed limits should be erected at all schools.

Mr. T. Curran, County Manager, said that he took grave exception to Members saying the Council was wasting money putting up road signs. All road signs are erected in compliance with national policy and he added that the onus is on drivers to drive safely at all times.

Cllr. J. Sheahan said that some speed limit signs are erected on the approaches to bad turns and on bad sections of the road.

Cllr. M. Healy-Rae called on the County Manager and the Director of Roads to make roads safer by cutting roadside hedges.

Cllr. M. Connor-Scarteen referred to Michael O'Shea's shop at Beaufort Bridge, which is a very dangerous location with a 100Km speed limit sign. He asked if anything could be done to improve this section of road. He also referred to

Lauragh National School and the Post Office where the road is very dangerous and he asked if money was available for the improvement of these crossroads.

Mayor T. Fleming welcomed the Road Safety Strategy and supported the sentiments expressed by Members with regard to the Castleisland By-Pass and added that all other road projects that were shelved were at the preliminary stages while the Castleisland By-Pass is at an advanced stage and ready to commence construction. He added that all Members and Oireachtas Members must work together in an effort to reverse this decision.

Mr. C. O'Sullivan, Director of Roads and Transportation, welcomed the comments from Members on the Road Safety Strategy and added that in 2008 there has been too many fatalities on Kerry roads. Speed limits are a debate for another day when the review of speed limits will be considered. A study will be undertaken of the impact of the revised speed limits introduced at Derryquay and Foilmore National Schools and the Transport SPC will consider this report. Any measures to be taken about slow moving vehicles is a matter for national legislation and the Gardaí. The Road Safety Strategy is for the entire county and the erection of all signs by the Council is carried out in consultation with the Gardaí. In relation to the Castleisland By-Pass he said that according to the NRA this project is under review but he would not be optimistic that this project would be funded in the near future due to the current economic difficulties.

The Mayor then informed the meeting that it was 12.30 p.m. and Item No. 17 would then be taken.

#### **08.10.20.17 PRESENTATION BY KAREN GUERON, MANAGER, KERRY BRANCH OF THE CARERS' ASSOCIATION.**

The Mayor welcomed Ms. Gueron to the meeting and invited her to address the meeting.

Ms. K. Gueron informed the meeting that family carers save the State €1.5 billion net every year in comparison with the cost of institutional care. A carer is a family member who works within his or her own home caring for another person and they are largely unrecognised. They often work 24 hours a day, 7 days a week. Family carers help to maintain the independence and dignity of the cared for person. They support frail older people, children, people with severe disabilities and terminally ill people in daily living. The Carers Association provide the following services:

- 16 Carers Resource Centres, 2 Service bases
- Home Respite Service
- Support Groups
- Training and Education
- Advocacy and Lobbying

- Information

Mr. Gueron said that the current economic climate should not dictate the content of the Family Carer Strategy which will run to 2016. The Carers Strategy covers the following areas:

- Income Support

The Carers Association in the long term want to remove means test for all full time carers and it is estimated that less than 11,000 carers would benefit from this. In the medium term they want the Carers Allowance to be increased to the minimum wage of €340 per week. They also want the Respite Grant to be increased to €2,880 to allow 20 days leave for Carers. The Strategy also seeks to address the pension contributions and entitlements for Carers.

- Health Care and Services

The Carers Association want legislation to establish Carers rights to needs assessment and care plan. They also want the introduction of a shared model of state and family contribution to care required. The Strategy seeks a review of service access and allocation and an increase in respite in home and residential care. Carers also need counselling services carers and medical cards for all full time carers.

- Training

The Strategy also seeks the introduction of family carers' education and training plan and the introduction of a National Framework of Qualifications Certificate and the introduction of after care/training/back to work training programmes.

- Labour Market Issues

The Carer's Strategy seeks to maximise carers' labour market participation and to reduce barriers to employment for carers. They also want to increase the number of hours carers can work outside the home to 20 hours per week and to include carers as special focus within employment policies.

- Transport

The Strategy also proposes that where public transport is unavailable alternatives such as minibuses/taxis would be introduced. They are also calling for free bus and rail passes for all carers receiving respite grant and vouchers to be used where appropriate.

- Housing

The Strategy seeks to ensure that sufficient equipment and housing adaptations are provided which are timely and based on carer and cared for persons needs.

In conclusion Ms. Gueron asked Members and the general public to be aware of the issues affecting family carers. She called on Members to write to and speak with policy makers at national level on their behalf and to use their influence to ensure that the Carers' Strategy delivers on the issues and supports family carers in the home.

All Members congratulated Ms. Gueron on her presentation.

Cllr. P. McCarthy said in the context of the Budget the carers of Ireland are sparing the government €1.5b per annum and they must be respected from the Taoiseach down for this.

Cllr. B. Cronin said that the Carers Association do tremendous work but they are not recognised for this very valuable work. He undertook to bring the issues outlined by Ms. Gueron to the Regional Health Forum South where they can be highlighted.

Cllr. T. Ferris asked how long Carers Benefit is paid for.

In response Ms. Guerin said that it is paid for 362 days only but the Carers Allowance is a long term payment.

Cllr. T. Ferris said that her party fully supports the Carers Association Strategy. She PROPOSED that the Minister for Social and Family Affairs would be requested to meet with a deputation from Kerry County Council to discuss the issues highlighted by Ms. Gueron.

Cllr. R. Beasley SECONDED this proposal.

Cllr. M. Cahill welcomed Ms. Guerin to the meeting and said that he was aware of the role of carers. He welcomed her presentation and the information provided to Members.

Cllr. T. Fitzgerald assured Ms. Guerin of his full support for the objectives of the Carers Association and for the work they do each day. He added that the current economic situation should not detract in any way from the objectives they are trying to achieve. He thanked all the carers in the county on behalf of those being cared for and expressed concern that Home Help hours have been reduced for many elderly people.

Cllr. T. Buckley complimented the Carers Association on the invaluable service they provide to many people in the county and assured them of his full support.

Cllr. J. O'Connor expressed his disappointment that carers are not receiving the minimum wage. He added that he would be willing to go on a deputation to meet with the Minister on these issues if this can be arranged.

Cllr. M. Healy-Rae said that all Members are aware of the great work being carried out by the Carers Association and they save the State an enormous amount of money each year. He assured the Carers Association of his full support.

Cllr. P. Leahy complimented the Carers Association on their excellent work and said that this work is not recognised.

Cllr. B. MacGearailt said that carers in Kerry save the economy a lot of money but this is not recognised. Arising from this presentation Members will have a greater understanding of the work of carers.

Cllr. P. O'Donoghue said that carers are the real heroes in our country. National policy dictates that people would be kept at home for as long as possible. However, it is important that the necessary support is provided for carers and we should invest in this area if we are being economically wise as a country. He assured the Carers Association of his full support.

Cllr. R. Beasley assured the Carers Association of his support and said that carers are not recognised for the valuable work they do.

Cllr. J. Sheahan said that he hoped that the carers would get the recognition that they deserve. Older people prefer to stay at home and this is facilitated through the work of carers and it is important to respect their wishes.

Mayor T. Fleming said that he wished to be associated with the compliments paid to the Carers Association and the work of their organisation. He attended the National Carers Association Conference recently and he found it very informative. In conclusion he thanked Ms. Gueron for her presentation.

The Mayor informed the meeting that the Civic Reception would then be held and the meeting would be adjourned until 2.30 p.m.

The meeting resumed at 2.40 p.m.

#### **08.10.20.09 Lead Piping in the Kerry Water Supplies**

Mr. O. Ring, Director of Water Services, referred Members to his report dated 14<sup>th</sup> October, 2008, on this item which was circulated and he briefed them in detail on the report. He said that the water leaving all water plants in Kerry is lead free and normally the lead piping is in on private property in the last few metres to a house. All Kerry Local Authorities have been very active in replacing

lead piping over the years. Kerry County Council is carrying out a survey to determine the full extend of lead piping in the county and the population served. It is anticipated that this survey will completed in November. On completion of the survey it is hoped to identify the problematic areas and to address these. The Council is working with the E.P.A. and the H.S.E. in relation to how the lead issue can best be resolved.

Cllr. J. Brassil said that Kerry County Council has been proactive in this area for many years in the replacement of cast iron pipes. However, when the reduced levels of lead permitted in water supply are introduced it could lead to further problems. He called on the Council to be more proactive in dealing with this issue in advance of the reduction of lead levels permitted. He added that water mains are regularly replaced in housing estates but on many occasions the problem is in the house itself. The householder finds it expensive to replace pipes. He called on the Council to prepare a report indicating the estates where lead pipes are still being used.. He also asked the Council to give advice to householders that would help to address this issue i.e running of water in the morning. A list of measures should also be drawn up to inform people how to deal with this issue on their property. In conclusion he called for the provision of an annual budget to tackle this problem.

Cllr. M. Gleeson said that he raised this issue at an Area Meeting in relation to a townland in the parish of Fossa and he thanked the Council for dealing with that issue. It is important to realise that lead has an enormous potential to harm, especially children. The levels of lead in water supplies in Kerry are not a threat because they are so minute. However, it is important to emphasis strongly that householders are responsible for water pipes from the stop cock to their house and there may be lead pipes on their property which should be replaced. It is important that a source of funding for these works would be pursued. The lead found in the water supplies in Galway may well have been as a result of the treatment used to control cryptosporidium in the water. This treatment could have result in the shearing of pipes and the resulting lead levels in the water. He requested that every effort be made to reassure the people of Kerry that the water supply is safe.

Cllr. T. Fitzgerald welcomed the report and said that Kerry County Council has been proactive in replacing lead pipes down through the years. However, he was concerned for the occupants of older houses where there could be second or third generations presently living in the house. Many of these householders are not aware that they could have lead piping. He called on the Water Services Department to establish the estates and areas of the county where lead piping is still used and to let householders know the implications of having lead piping. He also asked that the water quality in older housing estates in the county be examined with a view to establishing if there is a problem with lead in the water supply.

Cllr. B. Cronin welcomed the review presently being undertaken and the assurances given to the general public regarding lead in water supplies. At the last Area Meeting he submitted a Notice of Motion regarding the water supply at Cragg, Castleisland. He understood that old pipes are still in place in this area and he asked have tests been carried out to see if there is any lead contamination in the water supply at this location and if so were the readings acceptable.

Cllr. M. Cahill acknowledged the role of the Council in monitoring water supplies for lead content and also the replacement of pipes where appropriate. He also acknowledged the role of the Water Services Department in addressing water shortages in particular in Killorglin and Glenbeigh.

Cllr. D. Kiely welcomed the report and said that in many older estates lead pipes are still used and he called on the Council to ensure that these are replaced.

Mr. O. Ring thanked Members for their compliments and said that there will be a challenge to the Council when the acceptable lead level is reduced to 10 micro grams per litre. He added that there is a huge issue for private houses where lead pipes are still in place. This is a national issue and in the current economic climate it is unlikely that any grants will be made available to householders to replace pipes. He undertook to revert to Members when a plan is drawn up with the HSE to deal with this issue. For some time the Water Services Department has been using funding under the Small Schemes Programme to replace pipes.

### **SUSPENSION OF STANDING ORDERS**

The Mayor informed the meeting that it was 3.00 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. M. Healy-Rae, it was agreed to suspend Standing Orders to allow the remaining agenda items to be dealt with.

### **CONTAMINATION OF THE WATER SUPPLY AT TULLIG, KILLORGLIN**

Cllr. M. Healy-Rae said that ten houses in the Killorglin area have been put on boil notice for their water supply. A number of people in these households have been sick including a young child. He expressed regret that this had occurred. He called on the Director of Water Services to confirm or deny that this is an outbreak of cryptosporidium as this is a major concern for the parents of young children. He asked what remedial works had the Council undertaken to ensure that this contamination was cleared up and to assure the people of the area that their water supply would be safe to drink.

Cllr. J. O'Connor said that he was informed of this problem last weekend and following a meeting with Mr. Ring that morning Mr. Ring agreed to go out to meet the people in Killorglin that evening. He added that he was confident that Mr.

Ring would deal with this matter appropriately and he stressed the need to resolve it as soon as possible.

Mr. O. Ring, Director of Water Services said that there is no cryptosporidium outbreak in County Kerry. There was one case where an infant was diagnosed with cryptosporidium following which the water supply was checked. There were some anomalies with the network. This water supply was part of a group scheme which the Council took over a number of years ago. It has been difficult to flush out this line but there is no evidence to say that there is cryptosporidium in the water supply in Killorglin. The output from the Water Treatment Plant has been tested and it is clear. All other tests have also been clear. Council officials walked the river three times and did not identify any potential problems. The Council will not lift the boil notice until all tests are clear. All efforts at the present time are focussing on ensuring that the Mid Kerry Water Supply Scheme is safe for all users. Once all water samples are clear the boil notice will be lifted.

Cllr. J. O'Connor said that the Water Services Department should have communicated more directly with the people involved.

Mr. O. Ring accepted this and said that he would visit the households effected later that evening.

Cllr. B. Cronin said that at the end of September he was contacted by a landowner north of Furies who had ten sick animals and one subsequently died from salmonella. These animals had access to the river which flows through the village. The landowner engaged the services of a company to carry out tests on the water in the area. Samples taken from a storm water outlet indicated that there was pollution from a liquid from some human sewage. He contacted the Environment Department and he complimented Mr. Vincent Hayes and Mr. Mick Boyce for their prompt action. He then read their the following excerpts from the report which he recently received from the Environment Department into the record of the meeting.

“Re: Problems associated with a Surface Water Sewer at Furies.

With respect to the statement in the Kerry Drain Services report viz. “While on site our operators cleared all blocked lines and overflowing manholes, however, if this connection intrusion is not removed, the problem will persist” do note that Water Services (Operational) are in communication with the site developer with a view to having the obstruction removed as the site in question has yet to be taken over by the Council. I would also point out that the Bond associated with the development is still with the Council.”

Cllr. Cronin added that a storm water flows through the village green and there was a strong sewer smell for some time. However, it was not easy to identify the

problem but the source of the human sewage has now been identified. He read the following extract from the Kerry Drain Report into the record of the meeting:-  
“ At 18 meters from Foul manhole on the main Firies road to the Foul manhole in the garden at house number 11, there is a 100mm connection intruding 100% into the 225mm main line at 12 o'clock, causing a massive blockage.

This blockage is causing this manhole to fill up with raw sewage, which infiltrates into the closely located Storm manhole which then carries the contaminated storm water to the stream.

While on site, our operators cleared all blocked lines and overflowing manholes, however, if this connection intrusion is not removed, the problem will persist.”

Cllr. Cronin said that the problem has been identified within a private development and the developer was contacted and informed that it was of the utmost importance that this problem was rectified immediately. A Veterinary Surgeon has advised that children and pets should be kept out of the river until this situation is resolved. The discovery of this problem vindicates what the people of area have been saying that for some time there has been an obnoxious smell in the area. He called on the Council to ensure that the open storm water drain is disinfected.

Cllr. D. Healy-Rae welcomed the fact that this problem is about to be resolved as he said that the smell was terrible for the local residents and he had raised this at an Area Meeting.

Mr. A. Haugh, Director of Environment, informed the meeting that the estate within which the blockages have occurred was privately developed and has not been taken in charge to-date. The Water Services Department is liaising with the developers to ensure the situation is rectified. Ms. Haugh added that the initial investigation was carried out in accordance with standard procedures and she believed it was sufficiently thorough in nature. The precise cause of the pollution in this case was extremely difficult to identify. In conclusion she said that the Environment Department had written to the developer advising him to resolve this matter.

### **SMELL FROM THE WATER AT KERRY GENERAL HOSPITAL**

Cllr. B. MacGearailt said that he had a number of complaints from patients at Kerry General Hospital regarding the smell from the drinking water and he was also informed that there is a bad taste from it. He requested the Water Services Department to investigate this matter.

### **RETIREMENT OF CLLR. M. CONNOR-SCARTEEN**

Cllr. M. Healy-Rae said that Cllr. Michael Connor-Scarteen recently announced that he would be retiring from Kerry County Council. Michael has served as a leader in the county for a long time. He was very hard working and determined and this must be acknowledged. He wished him good luck in his retirement from

politics and also wished his wife Eleanor every success as Eleanor had played a leading role in his career.

Cllr. M. Connor-Scarteen said that he had announced that he was not contesting the next election but had not announced his resignation from the Council.

#### **08.10.20.10 REPORT BY CLLR. D. KIELY CHAIR OF THE ROADS AND TRANSPORTATION S.P.C.**

Cllr. D. Kiely referred Members to his report on this item which was circulated and he briefed them on the items considered at the Transport S.P.C. meeting held on 29<sup>th</sup> September, 2008, under the following headings.

- Kerry Draft Noise Action Plan
- Kerry Draft Road Safety Strategy
- Draft Policy on Local Improvement Scheme
- Report on Campers/Caravan Activity

Cllr. Kiely said that arising from the Draft Policy on the Local Improvement Schemes there must be a cost benefit where two farmers use the road. In some instances applicants have been requested to submit folios.

The Mayor informed the meeting that Notice of Motion Number 2 submitted by Cllr. M. Gleeson relates to this topic and he invited him to move it.

### **2 ELIGIBILITY FOR LOCAL IMPROVEMENT SCHEME**

**Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:**

That the Council calls on the Department of the Environment to revert to the situation whereby private roads with one agricultural holding would be eligible for consideration for inclusion in the Local Improvement Scheme for rural roads.

**Mr. G. O'Brien read the following reply:**

The qualification requirements for funding under the Local Improvement Scheme are set out in a memorandum issued by the Department of the Environment, Heritage and Local Government, in February 2002, having regard to the provisions of Section 81 of the Local Government Act, 2001. To qualify, eligible projects must provide access to parcels of land of which at least two are owned or occupied by different persons engaged in separate agricultural activities or provides access for harvesting purposes (including turf or seaweed) for two or more persons and shall in the opinion of the county council be used by the public.

The Motion as proposed is a matter for consideration by Council

Cllr. M. Gleeson said in the past it was sufficient that a road would serve one agricultural landholding but that is not the case now as the road must serve two agricultural landholdings. This is a severe form of discrimination where one landowner and many residences are on the road. It is unfair on people who want to see their road upgraded. He called on the Department to amend the criteria for this scheme to ensure that one agricultural holding would be eligible for consideration for inclusion in the Local Improvement Scheme for Rural Roads.

Cllr. J. O'Connor SECONDED the motion and it was unanimously agreed to refer it to the Department for consideration.

#### **08.10.20.11 REPORT ON THE ENVIRONMENT AND WATER SERVICES S.P.C.**

Cllr. J. O'Connor referred Members to a report on the activities of the Environment and Water Services SPC which was circulated. He briefed members on the issues considered by the Environment and Water Services SPC at their meeting held on 2<sup>nd</sup> October, 2008, under the following headings:

- Report on Replacement Waste Management Plan 2006-2011
- Implications for meeting Targets on Diversion from Landfill
- National Strategy on Biodegradable Waste
- Kerry County Council Draft Cemetery Bye-Laws

#### **08.10.20.11 REPORT ON THE IMPLICATIONS OF THE PROPOSED DESIGNATIONS OF SITES UNDER THE SHELLFISH WATERS DIRECTIVE (2006/113/EC)**

Mr. O. Ring, Director of Water Services, referred Members to his report dated 14<sup>th</sup> October, 2008, on this item which was circulated and he briefed them in detail on the report. He informed the meeting that fourteen Irish shellfish waters were given legal protection by Regulation in 2006, including Cromane, Maherees Inner Bay and Kilmacalogue Harbour. It is now proposed to designate a further four shellfish sites for protection in Kerry, namely:

- Kemare River/Sneem/Kilmakilloge
- Valentia Harbour
- Tralee Bay
- West Shannon Ballylongford

The boundaries of the proposed sites are shown on the maps which are included in the correspondence from the Department which were circulated to Members. The Council was asked for their views on the proposed designations and the following is our response:

1. There is an existing waste water discharge at Kilfenora (Tralee Bay) which is not shown on Map 4.
2. Redraw the boundary line away from the shore at Kilfenora.
3. Re-locate the Tralee Bay monitoring point away from Kilfenora.
4. Extend the undesignated area around Portmagee so as not to inhibit the site selection of a future new Waste Water Treatment Plant.
5. Re-locate the Valentia Harbour monitoring point further away from Portmagee.
6. Redraw the boundary line away from the Renard Point to allow for future pier improvements.

Cllr. M. Connor-Scarteen asked if the Special Areas of Conservation would overwrite these designated areas and could the proposed designations close down Kilmakilloge and Sneem for fish farming.

Cllr. J. O'Connor said that in 1999 there was an appeal in Cromane and the result of which was that a Management Plan was to be drawn up. He understood that the Department received funding for a Management Plan but this was never carried out and the funding was returned to the E.U. Because the Management Plan was not in place Cromane was closed earlier this year at a crucial time and re-opened when it was too late. Any new proposed designations should be accompanied by a Management Plan. What happened in Cromane should never again happen.

Mr. O. Ring said that this is not relevant to the proposed designations and the purpose of the proposed designations is to protect water from pollution.

Cllr. O'Connor said that 46% of pearl mussels in the E.U. are found in Ireland yet the E.P.A. are proposing to designate rivers where the pearl mussel is found as having moderate water quality and rivers in areas where there is no pear mussel are classified as high quality. The most beautiful parts of Kerry are being down graded because of a precautionary theory.

Mayor T. Fleming called on Cllr. J. O'Connor to move Notice of Motion No. 24 as it was relevant to the discussion.

## **24 Preparation of Management Plans for New S.A.C.s**

### **Pursuant to notice duly given Cllr. J. O'Connor PROPOSED:**

When will all the new SACs that have just been designated have management plans so as what has happened in Cromane will not happen to them and who will pay for these management plans being put in place and is Cromane ok now in relation to Management Plans.

### **Mr. G. O'Brien, A/SEO, read the following report.**

It is the responsibility of National Parks and Wildlife Service (NPWS), Department of the Environment, Heritage and Local Government, to draw up conservation management plans for all areas designated for nature conservation. A conservation plan includes descriptive information about a site and a management framework section which outlines objectives and strategies. Maps are produced to accompany the text including indicative habitat maps. NPWS is currently concentrating on compiling plans for SACs including updating and re-formatting old draft conservation plans, as well as writing new plans. The final phase of that process is a period of public consultation.

Several plans are now on NPWS website. However, to date no management plans for Kerry sites are on-line. NPWS advises that they have many more plans at a draft stage, which have not been completed due to a number of reasons including staff resources, SPA review, boundary amendments etc. These drafts are of varying age and quality but are available for review on request.

Implementation of all conservation management plans, including costs involved, for areas designated as cSAC is governed and managed by the NPWS.

Cllr. J. O'Connor said that the O.P.W. does not have the funding to prepare Management Plans but they have no problem in the people of Cromane losing money as a result of their actions. He again stressed the need to ensure Management Plans are in place before designations are implemented.

Cllr. M. Cahill called on the Department of Agriculture, Fisheries and Food to give a commitment that what happened in Cromane would never again happen. It is of the utmost importance that a Management Plan is put in place for Cromane immediately. He acknowledged the role of the County Manager and John McAleer in resolving the situation in Cromane. He expressed his disappointment that Members were not informed that fishing would be stopped in Cromane.

Cllr. T. Fitzgerald referred to the proposed designations in Tralee Bay and asked what would be the implications of these designations on the Bay. He added that the discharge point at Kilfenora is not shown on the map circulated.

Cllr. M. Healy-Rae referred to Kilmakillogue and Sneem and said that there are two active groups there who have built up a small business to support their families and he was concerned that if these areas are designated it could close down these businesses. This would have a detrimental effect on their income. It

is important that these communities are allowed to continue fishing as has been the practice for generations.

Cllr. P. O'Donoghue expressed his amazement at the proposed designations and said that if these designations proceed it will inhibit our ability to develop the necessary infrastructure for these areas. He said that the proposed designations are unacceptable and are contradictory and bizarre in the extreme and the Department should not proceed with them.

Cllr. R. Beasley expressed his support for the fishermen in Cromane and said that there are 50 families making a living from fishing in this area. Since Ireland joined the E.U. in the early 70's fishermen have been totally neglected. The same situation as applied in Cromane this year also applies to the Cashen River.

Cllr. T. Ferris asked what the implications of the designation for Tralee Bay were.

In response Mr. O. Ring said that the implications of the designations are that whatever act has the potential to pollute waters must cease immediately. The Department demands extremely high treatment levels in these areas and this is bound to be more costly and would include UV treatment and this is extremely expensive. In Kilfenora the Council had a small treatment plant and full treatment would be required at this facility. The proposed designations will not stop the Council from carrying out works but they will be more difficult and expensive.

#### **08.10.20.12 REPORT ON THE OPERATIONS AND ACTIVITIES OF THE KILLARNEY NATIONAL PARK LIAISON COMMITTEE**

Cllr. C. Miller informed the meeting that there are a large number of groups represented on the Killarney National Park Liaison Committee including the Killarney Conservation Group, Muckcross House Trustees, Walking Group, Commercial Boat Owners, Killarney Environmental Protection Group, Muckcross Community Association, An Taisce, Killarney Girl Guides, Killarney Community College, Lough Leane Anglers, Killarney U.D.C., the Deer Society, Killarney Chamber of Commerce, Rowing Clubs, the G.A.A., etc. This committee allows the various groups to express their opinions to Mr. Meskill. All issues relating to Killarney National Park are discussed and it is an ongoing process.

Cllr. M. Gleeson requested Cllr. Miller to convey the following two issues to the Liaison Committee for consideration (i) the restoration of the Killarney House and (ii) the issue of horse manure in the Killarney National Park. He believed that if the Killarney National Park resolved this situation it would also result in an elimination of manure on the streets of Killarney.

### **08.10.20.15 OPENING OF TENDERS**

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. O'Connor, it was agreed to approve the opening of tenders for Tralee Transportation Study (Expressions of Interest).
- (b) On the PROPOSAL of Cllr. P. O'Donoghue SECONDED by Cllr. J. O'Connor it was agreed to authorise the opening of tenders for the Provision of External Building Signage for Castleisland Area Services Centre.
- (c) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for the Supply, Instillation and Commissioning of a monitoring and alarm system for Water Services.

### **08.10.20.16 RECEPTION OF DEPUTATIONS**

- (a) Cllr. D. Healy-Rae requested that a deputation be received from the residents of Coolies, Muckross, Killarney, regarding water pressure. It was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.
- (b) Cllr. P. O'Donoghue requested that a deputation be received from the residents of Coomacista regarding concrete barriers. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (c) Cllr. J. O'Connor requested that a deputation be received from the residents of the road leading to the national school in Killorglin regarding the taking in charge of a private road. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (d) Cllr. T. Ferris requested that a deputation be received from the residents of Ardfert Village regarding traffic issues. It was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

### **DEBATE ON THE BUDGET 2009**

Cllr. B. Cronin said that he wanted to comment on the recent despicable Budget introduced by the Minister for Finance Brian Lenihan. This was a disgraceful attack on the over 70s who were given medical cards a number of years ago. These people have worked hard to make the country what it is. Fianna Fáil have deserted the 'grey vote'. The increase in class sizes resulting in the loss of teachers will be devastating for many schools and the school building programme has also been cut. The Minister also announced increased fees at A & E and college fees have increased to €1,500. The Castleisland By-Pass has been axed and the Early Retirement Scheme for farmers and the Instillation Aid for young farmers has also been frozen. Income for suckler farmers has been halved. He PROPSOED that Members stand up and show the people who

elected them how serious they are about this issue and he PROPOSED a vote of no confidence in the Minister for Finance and the Minister for Health.

Cllr. R. Beasley SECONDED this proposal.

Cllr. P. O'Donoghue said that the Fianna Fail members met that morning and they were unanimous that their view should be immediately communicated to the Government, calling for an immediate reversal of the decision on medical cards for the over 70's. He said that Minister's Lenihan's proposal was an error but they could be addressed and there are other means of achieving the savings that are necessary. The over 70's should be catered for as they deserve their medical cards. Fianna Fáil have always respected the elderly. He requested that a letter be forwarded to the Minister for Finance calling on him to reverse his decision in relation to this issue.

Cllr. M. Cahill SECONDED this proposal.

Cllr. M. Gleeson said that he could not support a vote of confidence in the Minister for Finance and the recent Budget shows that people in power loose touch with the ordinary people. All politicians must be aware of the needs of the people. It is as a result of the efforts of our elderly that we have enjoyed an economic boom over the last number of years. The medical card shambles began in 2001 or 2002 when the Government was awash with money. They introduced this scheme in order to get votes coming up to election. Our elderly people deserve their dignity and to take that away from them is unjust and immoral. In May 2007, meetings were arranged throughout the country prior to the General Election and many politicians, parents and teachers attended. They listened in awe at the candidates making promises regarding pupil teacher ratio and the school building programme. At that time they listened to the unquestioned support of politicians for a reduction in class sizes. Yet in one swoop in the Budget all that has changed and the Government has betrayed the children of Ireland. The teaching posts created to care for our most needy, on a one to one basis, are to be axed and these children will have to rely on normal classes without any additional help. It is deplorable that the Government and their supporters have imposed a 1% levy on the lower paid workers. This is beyond understanding as it condemns people in poverty to even greater poverty. It is time that the Government went after tax exiles as they have earned their wealth in Ireland. He condemned the abolition of the Early Retirement Scheme and the Instillation Aid Scheme for 2009 and said that this should not be permitted.

Cllr. T. Ferris condemned the proposals in the Budget to take the medical cards from some over 70s. In addition to not qualifying for medical cards these elderly people would have to pay the doctor and also pay for their prescriptions and the charge at A & E has increased to €100 per night. The Unionist Minister for Health in the six counties recently introduced free prescriptions. She expressed

her disgust and outrage at the way people were misled in the run up to the last General Election in relation to the proposed reduction in the pupil teacher ratio. She added that the current crisis could have been foreseen and she was disappointed with the lack of leadership being shown by the Taoiseach, Brian Cowan. It was unthinkable that the Minister for Finance would consider imposing a 1% levy on people whom the state acknowledges are not earning enough to live on. The people of this country have been treated with disdain by the present Government.

Cllr. B. MacGearailt said that the Government must revisit the medical cards issue. Doctors are paid a fee of €125 per annum for medical card holders under the age of 70 while they get paid €600 for those over 70. He added that there should be one fee for the treatment of all patients. He added that many economies around Europe are collapsing and as a result of this our unemployed will not be able to go to the U.S. or U.K. for employment as they did in the past. He added that a solution would be to have a national government to help Ireland out of this economic crisis.

Cllr. N. Foley concurred with the sentiments expressed by Cllr. P. O'Donoghue and said that the Fianna Fáil members are collectively calling for the scrapping of the proposed changes to the medical card scheme. She added that never before was she so inundated with queries from people who were in fear of losing their medical cards. As a teacher she had to condemn the proposals in the Budget relating to the cuts in education. The pupil teacher ratio has been raised as a result of which some classes will have over 30 children. Bus fares have increased to €300 per annum and there is a cut in funding for the LCVP Programme. There will be no substitute for teachers who take pupils on field trips, games etc., and it is possible some of these facilities will have to be withdrawn. The Irish education system has prided itself down through the years in providing a holistic education and if there will be no substitutes for teachers who take pupils on sporting events or on field trips then these activities cannot continue. The language support programme has been slashed with a flat rate of two teachers per school regardless of the number of pupils that require assistance. There will be a huge number of job losses in teaching over the next few months. She emphasised the need to support the education system. She then referred to the 1% levy imposed in the Budget and said that this should not apply to those on the minimum wage. She added that it would be necessary to study the detail of the Budget in order to assess its impact. Members are concerned and disillusioned and all Members should stand together on these issues.

Cllr. P. McCarthy said that the Government's proposed changes in the medical card scheme for the over 70's is insensitive and unwise. It has resulted in a huge worry and trepidation for many older people and their families. He added that the proposed cuts in education are unwise as previous speakers had articulated.

Cllr. T. Fitzgerald said that his Party Whip, Cllr. P. O'Donoghue, had expressed the collective view of his party calling on the Government to reverse their decision on the medical card issue for over 70's. He acknowledged that the current financial crisis must be tackled but it must be done in a fair way. The elderly of this country have worked hard to make it what it is and it is unfair to consider taking medical cards off them. These proposals should be scrapped. He called on the Minister for Finance to resolve this issue over the next few days and to find an alternative means of saving €100 million. He acknowledged that in the current climate there must be cuts but said this should not impact in the education area. The 1% levy should not apply to those on the minimum wage. He said that the general public are willing to accept a certain amount of hardship but the proposals in the Budget are going too far. He called on all Members to support the proposal made by Cllr. P. O'Donoghue. He added that our TDs at a national level did not have a say in the preparation of the Budget.

Cllr. R. Beasley said that this Budget was a savage attack on the more vulnerable in our society ie the old and the young. He agreed with the sentiments expressed by Cllr. Foley in relation to the education cuts and said that long before this Budget our education system was in tatters. He condemned the scrapping of the Farm Retirement Scheme and said that many farmers look forward to reaching an age when they could avail of this scheme. This should be revisited. He added that the 1% levy should not be imposed on those with a salary of less than €40,000 and the 1% levy should apply to those on salaries of €40,000 – €60,000 with a 2% levy applying thereafter. The Government should have made some effort to address the issue of tax exiles. Ireland is in recession and the Budget is a disgraceful and discriminatory act. He called on the Government to ensure that the school building programme continues.

Cllr. M. Cahill said that this was the most difficult Budget for the past 20 years and he acknowledged that certain aspects of the Budget were handled poorly by the Government in particular the medical cards for over 70's. He added that there are huge anomalies in the medical cards for over 70's with those residing in Ireland with an English pension qualifying for a medical card. The HSE is then reimbursed by the English Government. He expressed concern regarding the proposed pupil teacher ratios and said that parents and teachers are outraged at these proposals. He was approached by a principal of a school in his parish, who on the 30<sup>th</sup> September 2008, had 49 pupils and three teachers. There are a lot of disadvantaged children attending this school. The school is losing the book grant and had applied for approval for a school extension. This school is 100 years old but is well maintained. If the three teachers and the book grant could be retained they would manage but this does not look likely. Many other schools are in the same predicament. As a result of proposals in the Budget if a school had 10 language teachers they will now have two and if a school had two language teachers they will now have the same number. He referred to the Domiciliary Care Allowance which is €299 per month up to the age of 16 and rises to €170 per week thereafter. This has now been axed in the Budget. He

requested that a letter be forwarded to the Minister for Finance rejecting this proposal and also highlighting Members opposition to proposals for an increase in the teacher pupil ratio.

Cllr. P. Leahy said that the Budget was a savage attack on the lower paid. Proposals to remove medical cards from over 70's are a disgrace and must be reversed. The proposed 1% levy on the average industrial wage is also a disgrace and must be abolished. The proposed increase in class sizes and the abolition of sick leave cover for teachers is unacceptable. Larger class sizes are not fair on teachers or pupils. In conclusion he condemned the axing of the Early Retirement Pension for farmers together with the abolition of the Instillation Aid Scheme.

Cllr. J. O'Connor said that he had great faith in the Irish people and he would not want to be part of a society that treats its elderly people this way. He hoped that the medical card issue could be resolved in the next few days and he added that the EU provide a lot of funding for the Early Retirement Scheme and for the Instillation Aid Scheme. It should be possible for the Government to continue to fund the balance of the monies required for these schemes. He emphasised the need to continue with the capital programme to provide employment for builders. With present weather conditions there is little prospect of completing the works under the Farm Waste Management Scheme and he called for an extension to the completion date for this scheme. This was a most discouraging Budget for small businesses and he asked if there was any possibility that some of the measures would be reversed.

Cllr. J. Brassil said that he supported his colleagues call for a reversal of the proposed changes in the medical card scheme for over 70's. It was originally thought that this scheme would cost €14 million but now it is costing €52 million and rising. If the increase in the cost of this scheme continues in a few years it will cause difficulties for the funding of other schemes. Many older people are well off and have weekly incomes in excess of €1,000 and it is not unreasonable that they would pay their own medical costs. He called on the Government to consider this. He referred to the 1% levy and he PROPOSED that anyone on the minimum wage would not be liable for this levy i.e anyone earning under €23,000 a year would not have to pay the levy.

Cllr. P. O'Donoghue SECONDED this proposal.

Cllr. J. Brassil referred to the €200 per year charge being proposed on second and said that there are 8,000 such homes in Kerry. He said that the money collected from this levy within the county should remain in the county. He PROPOSED that all monies collected in Kerry for this levy would be retained in Kerry.

Cllr. M. Gleeson said that he was led to believe that would happen.

Cllr. A. McEllistrim said that it is important to provide care for over 70's and the recent decision in the Budget must be reversed. She said she would have serious concerns regarding proposed class sizes and said that this will result in job losses. Other measures will have a serious impact on the budget of schools and the Transition Year Programme and LCVP will suffer together with sport events and other extra curricular activities.

Cllr. M. Healy-Rae expressed his outrage at the attack in the Budget on elderly people. He said that he was always taught to be respectful of older people and it was wrong of the Government to give medical cards to the over 70's a number of years ago and now to take them away when people are at a vulnerable stage. He called for an immediate reversal of this decision. The outcry over the proposals to take the medical cards from over 70's has overshadowed other very important issues in the Budget such as the increase in the pupil teacher ratio and the savage attack on the farming community. The Suckler Grant will be halved as a result of the Budget and the Early Retirement Scheme and the Instillation Aid Scheme have been shelved. He said that he hoped that common sense would prevail and the Government would reverse its decisions on these issues.

Cllr. M. O'Shea said that at the Fianna Fáil members meeting held that morning all Members were annoyed and upset at the recent Budget proposals. His party is arranging a Regional Forum meeting to allow Members a platform to express their views. He pointed out that Dr. James Reilly of Fine Gael negotiated the IMO deal when the over 70's medical cards were first introduced and he added that fees must be renegotiated with the IMO. There is a major problem regarding social welfare payments with millions of euro being paid into foreign bank accounts each week. Since the Budget last week all Fianna Fáil councillors have been inundated with phone calls from people over 70 who are afraid they will lose their medical card. He said that he had every confidence in the Taoiseach to resolve this matter.

Cllr. S. Fitzgerald said that this was a very severe Budget and some of the Ministers have become very complacent. Funding for the Waste Management Scheme is provided by the EU together with part of the funding for the Farm Retirement Scheme and Instillation Aid Scheme. It is very frustrating and infuriating that the Government have axed these schemes.

Cllr. M. Connor-Scarteen said that this Budget was the most brutal that he had ever witnessed and he called on the Taoiseach and the Minister for Finance to reverse their decision on the medical cards for over 70's.

Cllr. D. Healy-Rae said that he had concerns regarding the savage attack on the elderly in the Budget. Many of the elderly are afraid that their pensions will be means tested. He also expressed concern regarding cuts in education and said that this will result in many job losses. He condemned the cuts in the various

schemes for the farming community and said that these cuts are very unfair on them.

Mayor T. Fleming complimented the Chief Whip of the Fianna Fáil party, Cllr. Paul O'Donoghue, on the decision to call for a complete reversal of the proposals for the medical cards for over 70's and also in calling for a review of many other proposals.

Cllr. B. Cronin PROPOSED a vote of no confidence in the Minister for Finance and the Minister for Health.

Cllr. R. Bealsey SECONDED this proposal.

Cllr. P. O'Donoghue PROPOSED an amendment calling on the Government to reverse their decision regarding the medical cards for over 70's and also to address the anomalies in relation to education and to apply the 1% levy only on those earning in excess of €23,000. He also PROPOSED that the concern of Members would be forwarded to the Taoiseach and the Minister for Finance in relation to the cuts impacting on the farming community.

Mr. G. O'Brien informed the meeting that the original proposal of a vote of no confidence in the Minister for Finance and Minister for Health should be taken first.

A vote was taken on this proposal which resulted as follows:

**For:** Councillors Beasley, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, Gleeson, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, O'Connor **(11)**

**Against:** Councillors Brassil, Cahill, Foley, McEllistrim, O'Donoghue, O'Shea, Fleming **(7)**

**Not Voting:** None **(0)**

The Mayor declared the resolution carried.

Cllr. B. Cronin requested that the resolution would also be circulated to all local authorities.

There was unanimous agreement on Cllr. P. O'Donoghue's proposal that the Government be called on to reverse their proposals on the medical cards for the over 70s.

## **08.10.20.18 NOTICES OF MOTION**

Mr. G. O'Brien advised Members that the replies to Notices of Motion would be circulated and if Members wished they could resubmit them for the November Meeting.

## **08.10.20.18 CORRESPONDENCE, CONFERENCES AND SEMINARS**

- (b) On the PROPOSAL of Cllr. M. Cahill, seconded by Cllr. B. Cronin, it was agreed to authorise the attendance of Cllr. A. McEllistram and Mayor T. Fleming at the Heritage Council's National Village Design Conference 2008 to be held in Slane Castle, County Meath on the 31<sup>st</sup> October, 2008.

Cllr. A. McEllistram was nominated to report back to the Council on this conference.

- (c) On the PROPOSAL of Cllr. M. Connor-Scarteen, SECONDED by Cllr. B. Cronin, it was agreed to authorise the attendance of Councillors R. Beasley, P. O'Donoghue, J. O'Connor and T. Fleming at the Green Infrastructure International Conference on the theme "Connecting nature, people and places" to be held in Malahide, Co. Dublin, on the 4<sup>th</sup> and 5<sup>th</sup> November, 2008.

Cllr. P. O'Donoghue was nominated to report back to the Council on this conference.

- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Councillors C. Miller, T. Fleming and J. O'Connor at the County Carlow Chambers 5<sup>th</sup> National Conference on Local Government Financing to be held in Tullow, Co. Carlow, on 7<sup>th</sup> November, 2008.

Cllr. C. Miller was nominated to report back to the Council on this conference.

- (e) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Councillors T. Buckley, P. O'Donoghue, J. O'Connor and T. Fleming at the Open Door Network Annual Conference on the theme "A time to Tell.... A Time to Listen exploring the effects of violence against women and children" to be held in Tralee on 21<sup>st</sup> November, 2008.

Cllr. T. Buckley was nominated to report back to the Council on this conference.

- (f) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Councillors R. Beasley, C. Miller, P. Leahy, J. Brassil, J. O'Connor, B. Cronin and T. Fleming at the LAMA Annual Winter Conference to be held in Castlebar, Co. Mayo, on the 26<sup>th</sup> and 27<sup>th</sup> November, 2008.

Cllr. R. Beasley was nominated to report back to the Council on the conference.

- (g) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Councillors N. Foley, P. O'Donoghue, J. Brassil and T. O'Brien at the Clare Tourist Council/Clare County Council National Tourism Conference on the theme "Co-operation and integration the key successful tourism" to be held in Ennistymon, Co. Clare, from 27<sup>th</sup> to 29<sup>th</sup> November, 2008.

Cllr. N. Foley was nominated to report back to the Council on this conference.

- (h) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was agreed to authorise the attendance of Mayor T. Fleming at the All-Ireland Multi-Sectoral Conference on Obesity to be held in Belfast on 13<sup>th</sup> November, 2008.

Mayor T. Fleming was nominated to report back to the Council on this conference.

- (i) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was agreed to authorise the attendance of Mayor T. Fleming at the Chambers Ireland Excellence in Local Government Awards to be held in Dublin on 6<sup>th</sup> November, 2008.
- (j) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley it was agreed to approve the attendance of Mayor T. Fleming at the Citizen First and Final International Conference to be held in Ennis, County Clare, on 25<sup>th</sup> and 26<sup>th</sup> September, 2008.
- (k) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley it was agreed to approve the attendance of Mayor T. Fleming at the Energy Efficiency Seminar held in Clifton, County Galway, from the 19<sup>th</sup> to 21<sup>st</sup> September, 2008.

#### **08.10.20.20 CORRESPONDENCE GENERAL**

It was agreed to note the following items of correspondence which were circulated:

1. Letter dated 16 September 2008 to the European Commission regarding the Farm Waste Management Scheme from Kathy Sinnott MEP
2. Letter dated 16 September 2008 to the Minister for Agriculture regarding the Farm Waste Management Scheme from Kathy Sinnott
3. Letter dated 9 September 2008 from the Hospital Network Manager, HSE regarding a Stroke Treatment Unit at Kerry General Hospital
4. Letter dated 22 September 2008 from the Taxi Regulator regarding the National Maximum Taxi Fare Revision
5. Letter dated 23 September 2008 from Kerry Group plc regarding Dicksgrove Central Creamery Store
6. Letter dated 30 September 2008 from RyanAir regarding the Kerry – Dublin route.
7. NASC Summer 2008 Newsletter
8. Letter dated 2<sup>nd</sup> October 2008 from Waterford City Council regarding a resolution adopted by that authority concerning the Higher Education Grants Scheme
9. Letter dated 12 September 2008 from Passage West Town Council regarding a resolution adopted by that authority regarding the refund of VAT to each county.
10. Letter dated 15 September 2008 from Clonmel Borough Council regarding a resolution adopted by that authority regarding the refund of VAT to each county.
11. Letter dated 18 September 2008 from Bantry Town Council regarding a resolution adopted by that authority concerning the Cork Swansea Ferry Service.
12. E-mail from Waterford City Council regarding a resolution adopted by that authority calling on the Minister for Transport to transfer the license issuing authority in respect of urban bus routes to Local Authorities.

13. E-mail from Waterford City Council regarding a resolution adopted by that authority calling on the Minister for the Environment, Heritage and Local Government to improve the level of funding for the Housing Aid for the Elderly Grant Scheme, the Mobility Aid Grants and Housing Adaptation Grants.
14. E-mail dated 30 September 2008 from Sligo Borough Council regarding a resolution adopted by that authority calling on the Minister for the Environment and Local Government to implement a full restructure of the Register of Electors where the PPS no. is included.
15. Letter dated 1<sup>st</sup> October 2008 from Monaghan Town Council regarding a resolution adopted by that authority concerning the issuing of display discs to those involved in the Meals on Wheels Scheme.
16. Letter from Ballinasloe Town Council regarding a resolution adopted by that authority calling on the Minister for Foreign Affairs to use his influence with authorities in Belarus with a view to reversing their decision not to allow children in that region to travel to Ireland.

The meeting concluded at 5.15 p.m.

**Gerard O'Brien**  
**A/SEO Corporate Affairs**

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**Mayor of Kerry**