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MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 20 APRIL, 2009.

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 20 AIBREÁN, 2009.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. 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	T. O'Brien
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	Mr. C. O'Sullivan, Dir. of Roads
Mr. L. Quinlan, A/Director of Hsg	Mr. D. O'Connor, A/Dir. of Env'l Servs.
Mr. G. O'Brien, A/SEO Corp. Affairs	Mr. P. Corkery, Press & Comm.
Ms. B. Reidy, SSO Corp. Affairs	Mr. M. O'Donoghue, SEO HR
Mr. G. MacNamara, SE Roads	Mr. B. Sweeney, SE Water Services
Ms. A. McAllen, Financial/Mgmt. Acct.	Ms. K. Moriarty, A/SEO Finance
Ms. D. Griffin, SO Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	Mr. P. O'Connor, A/AO Finance
Ms. S. Sheridan, SSO Finance	Ms. C. Brennan, SO Finance
Mr. R. Tangney, ASO Finance	

The meeting commenced at 10.45 a.m.

Mayor T. Fleming took the Chair.

Emergency Motion

Suspension of Standing Orders

The Mayor informed the meeting that it would be necessary to suspend Standing Orders in order to consider an Emergency Motion regarding the employment of seasonal lorry drivers with Kerry County Council.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. A. Ellistrim, it was unanimously agreed to suspend Standing Orders to consider this Emergency Motion.

Mayor Fleming referred to concerns raised by seasonal lorry drivers with Kerry County Council. These drivers are on a recruitment panel and are waiting to commence seasonal work. Kerry County Council has been notified of a reduction in

its Roads Grants allocation for 2009 and he asked that the County Manager would intervene and ensure these drivers are recruited as due to the economic situation in the county they have no other option for secure employment. He asked that this matter be addressed as a matter of urgency.

Mr. T. Curran, County Manager, thanked the Mayor for the opportunity to clarify the situation regarding this matter. He expressed disappointment that certain individuals brought this issue to the attention of the media without having the facts available to them and issuing misinformation on the situation. There are clear and well established procedures in this organisation and Kerry County Council has a very good working relationship with all staff. Meetings are being arranged with Partnership and the Unions to discuss the way forward in terms of employment of these drivers during 2009. As this issue has been raised nationally it will be difficult to proceed with a local agreement without acquiring national approval. Funding for roads has been reduced by €6.7m. Kerry County Council was notified of this reduction in its allocation on 16th April, 2009. Management is now determining the impact of the reduced allocation on seasonal staff and also on permanent staff. Priority must be to the permanent employees of Kerry County Council. When the circular letter regarding the Implementation of Savings Measures on Public Service Numbers, which impacts on the operations of local authorities, was received from the Department of Finance, and which was outlined to the CPG meeting last week, a detailed submission was made to the Local Government Management Services Board which represents all local authorities on HR/IR issues. It was highlighted in that submission that a lot of what was expected from that circular letter was unworkable and should be re-examined as if every time a local authority wanted to recruit a staff member a submission had to be made to the Department of Finance for approval it would inundate the Department with all local authorities making similar submissions. While the principle of the letter is understood the detail creates a problem. Kerry County Council has traditionally done most of its road works through direct labour and through the use of temporary drivers and road workers. In many instances it suited these workers to work for the local authority for 6-9 months and to do their own work on the closed working season. This has been a major saving for the local authority in that it did not create substantial additional staffing costs during the year. Kerry County Council has proved nationally that it has delivered its Roads Programme effectively and efficiently. Kerry County Council managed to spend its allocation and also spend monies other local authorities were not able to spend because of their dependence on contract works. Kerry County Council does not take likely the fact that it will be limited on the number of seasonal road workers and drivers it will be able to recruit in 2009 primarily due to the lack of funding. It is hoped the Department of the Environment and Department of Finance will provide a solution regarding the derogation on recruiting lifeguards. He asked that the members not enter into a protracted debate on this issue. Management are working actively on this issue and are highlighting that the maximum number of workers will be recruited as finances allow. He again expressed disappointment that this issue was brought to the attention of the media without the full facts being available. It is not in the interest of this person, in the interest of the organisation or the people they alleged to represent. The budgets will determine how many seasonal workers will be recruited in 2009.

Cllr. B. O'Connell said following the Manager's comments it is premature for this issue to be debated at this morning's meeting. He asked if a submission has been made to the Department on this issue.

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Mr. T. Curran, County Manager, said Kerry County Council has made a special case to the Local Government Management Services Board regarding Kerry County Council's annual recruitment of seasonal employees. Kerry County Council is in the process of finalising the impact of the reduction of roads funding on the works programme in 2009. Meetings are being arranged with Partnership and Unions. The elected members will be circulated with the revised Roads Programme for 2009 in due course.

Cllr. M. Gleeson asked what the reduction of €6.7m equates to as a percentage of the original allocation.

Mr. C. O'Sullivan, Director of Roads and Transportation, said it is approximately a 25% reduction in funding for non-national roads and a 13.7% reduction for NRA funding. The Discretionary Improvement Grant Scheme is reduced by 50%. The Restoration Improvement Programme is reduced by 33.7%. The Specific Improvement Grant Scheme is reduced by 38%.

Cllr. N. Foley said she accepted what has been said by the County Manager. She welcomed that a national submission has been made on this issue. She said that she appreciated that this issue is at a sensitive stage at this point in time. She said it would be the preference of the elected members that priority be given to maximising the recruitment of staff that have been recruited for many years.

Cllr. T. Ferris said she appreciated that the County Manager did not want a debate on the recruitment of drivers but said with regard to his comments on people who highlighted this issue in the media, people are living in desperate times and there is uncertainty. People are doing everything possible to protect their job.

Mr. T. Curran, County Manager, said Kerry County Council has an open door policy with Unions. There are IR procedures and methods for dealing with this issue. While a desperate situation may require desperate measures what they did was not the way to respond. It would have been better if an approach had been made to management to discuss the issue.

Cllr. J. Brassil said the Manager made reference to members going on radio regarding this issue and said he understood it was a member of staff that made this announcement. He sought clarification on this issue. He said he would consider that as Kerry County Council owns vehicles that the cost of hiring a driver is less than the cost of hiring contractors.

Cllr. B. Cronin expressed support for the 27 seasonal drivers and said he had been contacted by them regarding their situation. He said the tone the County Manager is giving is a tone of threat and these drivers are frightened for their future and their jobs. When people raise concerns it is the right of the elected members to ask questions on their behalf. The elected members would be failing in their duty not to do that. He rejected the tone the County Manager was using and he rejected that the County Manager stated there is an open door policy in Kerry County Council. Temporary staff and permanent staff do not know what is happening. There are cuts other than those in the Roads Programme yet there is an amount of work to be done. Kerry County Council paid €8.5m to private contractors yet it is leaving its own staff and machinery sitting idle. He said he does not like the way the County Manager is threatening his staff because they are raising their views and making them known to

elected members. Many of the staff affected have given long service and great work. He said that he made a freedom of information request regarding what tender requests were submitted for machinery (a number of items picked at random) and he was told it would be a breach of confidentiality to release this information. Management is to administer Local Government finances and elected members are overseers on this expenditure. He said that he has appealed this Freedom of Information decision and will pursue it. He said he has forwarded the decision of the Freedom of Information Officer to the Comptroller and Auditor General.

Cllr. D. Healy-Rae expressed concern for the drivers involved in this situation. He acknowledged that Kerry County Council is facing a shortfall in funding, but these drivers have given commitment to Kerry County Council and are relying on Kerry County Council for this seasonal employment and to survive and provide for their homes and families. He also expressed concern for the temporary roads staff and general operatives who rely on this work. It is also a concern for staff who were given seasonal work from Killarney Town Council. These staff members have asked if they are not recruited due to the economic circumstances recruitment panels remain active and will their place hold on as they are listed on these panels at present. He asked how Kerry County Council will carry out works without these workers when Chapter 8 regulations must be enforced. These workers have been trained and carried out their duties well.

Cllr. T. O'Brien said the CPG meeting heard from the County Manager and Head of Finance regarding financial difficulties facing Kerry County Council. He asked the Manager to give direction and clarification to these workers as soon as possible. He said it is hard to understand how Kerry County Council machinery is lying idle in the Machinery Yard in the current climate.

Cllr. R. Beasley said people are concerned for their jobs and families. Clarity on what will happen is required. The workers waiting on seasonal contracts are suffering. Some companies are taking advantage of the economic situation by letting staff go and breaking contracts. Staff have a right to question what is happening within Kerry County Council.

Cllr. M. Gleeson said a constituent of his spoke with him regarding her concerns for her son who is a seasonal driver with Kerry County Council. The drivers want clarification on the situation. The reality is Kerry County Council is facing a 25%–40% reduction in funding. Over the past 10–12 years Kerry County Council has made a tremendous recovery from the road situation of the 1980s and 1990s. The roads infrastructure will revert to that condition again without funding and as roads disintegrate. It will cost the state and society far more to rehabilitate and restore the disintegration that will occur as a result of cutbacks imposed.

Cllr. J. O'Connor supported Cllr. Gleeson's comments. He said the elected members must put trust in the management system. Elected members must be made aware of what is happening and how the Roads Programme will be affected as a result of the reduction in grant funding in an open forum. He said that he was not aware of the reduction in NRA funding and asked for clarification regarding funding for maintenance and the Laune Bridge.

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Cllr. P. Leahy asked what is the position regarding the allocation from the NRA for funding for the National Secondary road from Kerry Ingredients to Upper Church Street in Listowel.

Cllr. T. Buckley said he has a Notice of Motion submitted on that issue.

Mayor Fleming said that this issue will be dealt with when considering that Notice of Motion.

Cllr. M. Healy-Rae said he supported the cause of the drivers who have given great service to Kerry County Council over the years. Every effort must be made to keep these drivers in gainful employment. He said the County Manager does have an open door policy and he facilitates elected members and different groups. The County Manager has concern for his staff and worked with these staff members when he was County Engineer. The County Manager is highly respected by the majority of members in Kerry County Council and the elected members know him and trust him.

Cllr. P. O'Donoghue said all elected members support the temporary seasonal workers and want to see them re-employed and working for Kerry County Council. These staff members work without employment security and cannot secure finance in their own lives. It is a matter for management to pursue the challenges vigorously with the Department. He asked management to take health and safety issues into account. If a specific project is to commence during the year a risk assessment must be undertaken and a certain number of staff must be employed on the job at certain grades. Health and safety standards must be met. The health and safety factor should be used when seeking derogation from the Department. He expressed confidence in management to deal with this issue. Kerry County Council has a €6.7m deficit in funding for the Roads Programme in 2009. In this circumstance the investment that has been made in infrastructure must be protected. Staff must also be protected and efficiencies achieved, e.g. the prices the cost of projects were based on were on fees charged in previous years. These prices are now reduced and efficiencies should be achievable.

Mayor Fleming thanked the members for their contributions and thanked management for their statements. He said he puts trust in management that the situation regarding opportunities for temporary staff and drivers will be maximised and that derogation will be sought to keep jobs within the county.

Mr. T. Curran, County Manager, said he took on board the comments of the elected members. He expressed disappointment with Cllr. Cronin's comments regarding "threatening people". He said if this is what his opening statement assumed to infer he apologised for that. There are procedures in place and if issues are not dealt with within those procedures difficulties follow. He said discussing recruitment of staff in the Council Chamber undermines the work of management and Unions and it also hinders local negotiations. He expressed concern for the staff involved that have been employed by the council over the years. Final notification regarding Roads Grants allocation was received from the department on 16th April, 2009, and since then management have been considering that information. Meetings are being arranged with Partnership and Unions. Clarification is awaited from the Department regarding derogations for consideration by management. Management will keep the Unions informed. If people go to the media with misinformation before there is an

opportunity to clarify the situation it will create concerns for everyone. He said he understands and appreciates the trauma of families concerned and said this matter will be dealt with through proper procedures.

Cllr. B. Cronin said the Healy-Rae councillors have pledged their support to drivers and he asked if it is true that Healy-Rae trucks are employed in Bantry. He sought clarification on this issue.

Mr. G. McNamara, SE Roads and Transportation, said Kerry County Council has a body of drivers. If all those drivers are working or not available private contractors are employed. The first priority is that all permanent Kerry County Council drivers are employed.

Cllr. D. Healy-Rae said he supports the temporary drivers and has given some of them work himself within his contracting business.

Cllr. M. O'Shea asked when the revised Roads Programme 2009 will be available and with regard to the Specific Improvements Scheme, when will works commence in the current year on improvements required.

Cllr. M. Cahill referred to Restoration Improvements and Maintenance Grants and said all these roads are adopted by Council in the Roads Programme for 2009. Kerry County Council must endeavour to ensure as many of these projects as possible are completed in 2009. Cork County Council sought a 20% reduction on tender prices. Kerry County Council should do the same. There is much greater value to be achieved than has been for some time. Many of these projects should go ahead and the best value for money should be sought.

Illegal Dumping

Cllr. T. O'Brien asked for clarification regarding the Bring Banks at Garvey's car park where problems continue with illegal dumping.

Cllr. M. Gleeson said it is of vital importance that Kerry has a good tourism season. He said he counted five bags of rubbish on the road from Killarney to Tralee today. He said this is scandalous and he made an appeal that Kerry County Council would not leave any of the bags of rubbish it has collected by the roadside over the weekend and to issue fines to the offenders responsible for illegal dumping.

Cllr. M. Cahill supported Cllr. Gleeson's comments. He said illegal dumping is rampant throughout the county. He commended the residents of Glenbeigh who collected 15.5 tonnes of rubbish through the Spring Clean Campaign.

Mayor Fleming said the bags referred to by Cllr. Gleeson may relate to clean ups through the Spring Clean Campaign. He asked the Environment Department to follow up this matter.

Cllr. M. Gleeson said all Council sponsored clean-ups should use Kerry County Council logo marked bags which would avoid confusion.

Cllr. B. Cronin said TV footage will be taken from a helicopter during the forthcoming Rally of the Lakes. He said cars have been dumped in an area from Bawnaglanna to Cockhill, part of the Rally of the Lakes route. He asked that the Environment Department would address this issue.

Accident in Abbeydorney

Cllr. P. McCarthy referred to a road traffic accident that took place in Abbeydorney and asked the Director of Roads and Transportation for an update on traffic calming measures for Abbeydorney.

Cllr. T. Ferris said that this is not just a roads issue and serious questions must be answered by the HSE because one of the victims in this accident was left sitting in his vehicle on the side of the road for two and a half hours before an ambulance was available to take him to hospital. The HSE must account for this delay.

Cllr. T. Fitzgerald said it is important that the provision of traffic calming measures in Abbeydorney is finalised. This is an issue the council have been working on for a number of years and while traffic calming measures are being progressed a solution must be determined for this junction.

Cllr. A. McEllistrim said when driving from Lixnaw drivers see a green pedestrian light ahead close to this junction and are driving through this junction because of this green light. Residents in the area have suggested that this light be changed to a flashing amber light at the pedestrian crossing.

Cllr. J. Brassil supported the suggestion by Cllr. McEllistrim and said this could be implemented immediately.

Mr. C. O'Sullivan, Director of Roads and Transportation, said he cannot comment on the accident as Kerry County Council Engineers must discuss the accident with the Gardaí. Kerry County Council carries out a detailed analysis of an accident to find the root cause and identify mitigating measures. Kerry County Council has proposals for traffic calming measures at this junction and these proposals will be going on public display shortly. Due to the timeframes involved, however, management will be unable to present a report to the current council.

Cllr. T. Ferris said the focus is on speed reduction at this junction, however, her understanding is that visibility was an issue in this accident. She said she believes only traffic lights will solve the situation at this junction.¹

Cllr. P. McCarthy referred to the provision of traffic lights at this junction and said he spoke with the Senior Engineer in Roads & Transportation who has indicated that consideration will be given to changing the green pedestrian light, which is in place at present, to a flashing amber light.

Cllr. N. Foley said this junction is the single biggest issue in the village. She sought clarification on the status of public consultation for the proposed traffic calming measures in Abbeydorney.

Mr. C. O'Sullivan, Director of Roads & Transportation said the proposals for traffic calming measures in Abbeydorney are close to going to public consultation. However, following this accident they will be re-examined. Consideration will have to be given to proceeding to public consultation having considered all factors and if remedial works are exorbitant in terms of funding.

¹ See clarification on Page 24 of May, 2009, Minutes

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Cllr. T. Fitzgerald said it was agreed at the Tralee Electoral Area Meeting to proceed with the proposed traffic calming measures. While traffic calming measures will improve the situation traffic lights are the solution.

NRA Funding for Laune Bridge

Cllr. J. O'Connor requested clarification regarding funding for the Laune Bridge in the light of the reduction of €13.7m in NRA funding.

Mr. C. O'Sullivan, Director of Roads & Transportation, said the NRA funding reduction relates to maintenance. Funding for National Primary roads has not been changed. Funding for the Laune Bridge is available. Apart from the reduction in funding, there is also an issue regarding the way the reduction was implemented and the imbalance of work throughout the county. Achieving a balance of work for staff throughout the county is an issue for management.

Water Matters Conference

Mr. G. O'Brien highlighted to the elected members that an additional conference is being listed on today's Agenda entitled "Water Matters". An open day will be held in Killarney on 12th May, 2009. Details of this conference were not available when the Agenda was being circulated for today's meeting.

09.04.20.01 Mayor's Report on CPG Meeting held on 14th April, 2009

Mayor T. Fleming read the following report into the record of the meeting.

Item 1 Agenda for the April Council Meeting

Ms. B. Reidy, SSO Corporate Services, briefed members on the agenda for the April Council meeting.

With regard to Agenda Item No. 5, Mr. J. O'Connor, Head of Finance, said the Audit Committee was established in October, 2007, and has met on several occasions since then. The Audit Committee is about ensuring effective and cost conscious management within the organisation as well as prudent corporate governance. A detailed report is provided for the elected members which sets out the background of the Audit Committee, activities during the year and the role of the Committee going forward as prepared by the Audit Committee Chairman, Mr. Aidan Horan.

With regard to Agenda Item No. 6, Mr. J. O'Connor, Head of Finance, said the Annual Financial Statement 2008 has been circulated to elected members and will be considered at the April Council Meeting. Kerry County Council is fortunate that it does not have a debit balance on the revenue account in facing this economic challenge. The reinstatement of a flow of credit through the banking system is very important in order to help businesses with their cash flow and pay their bills including rates and other charges. Small amounts of money are being carried forward to 2009 towards projects such as the Energy Programme, Minor Improvement Works in Burial Grounds and €600,000 was carried forward towards the 2009 adopted Budget. Budgetary control and management was pursued diligently across the organisation in 2008 and will continue in 2009 to reflect lower than anticipated income. There will be restrictions on spending in 2009 in view of the likely downturn in income. Collection of rates and water charges will be challenging in 2009.

In response to a query from Cllr. R. Beasley regarding the application of the €200 levy on second houses to caravans and mobile homes, Mr. O'Connor said the

publication of legislation on this levy is awaited to provide definition on how the levy will be applied. Publication of legislation is expected in the next couple of weeks. It is expected that the legislation will be enacted by 1st June, 2009, and this date will also be the liability date for payment of the levy. The legislation will prescribe that legal penalties will be applied per month for non-payment of the levy. It is understood at this time that the income will accrue directly to the Local Authority. A database of house owners must be established. Legislation will provide for the sharing of information between various sectors.

Expenses for Elected Members

Mr. O'Connor referred to the 7th April Budget statement and outlined the following:

- (1) The value of the additional pension's levy, which is deducted from payroll, will be deducted from the Local Government Fund allocation to Local Authorities.
- (2) The value of the 25% reduction in travelling expenses and subsistence effective from March will also be deducted from the Local Government Fund.

These reductions will impact on elected members allowances and conference allocations. The Conferences Expenses allocation will be reduced from €6,615 to €5,279 per elected member for 2009.

Item 2 Staffing Issues

County Manager referred to Circular Letter LG (P) 1497 dated 27th March, 2009, regarding the Implementation of Savings Measures on Public Service Numbers. This circular directs that, with effect from 27th March, 2009, to end 2010, no public service post, however arising, may be filled by recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade. Therefore when vacancies arise Departments/agencies, etc., must reallocate or re-organise work or staff accordingly. Any exceptions to this principle, which will arise in very limited circumstances only, require the prior sanction of the Minister for Finance. The decision also applies to temporary appointments on a fixed-term basis and to the renewal of such contracts.

The circular also outlines that the Minister may sanction the filling of posts through the redeployment of staff of the same or equivalent grade from another Department/Office or public body. In this regard, senior staff could be assigned to Kerry County Council without input from Kerry County Council management.

This circular will have an impact on the morale of staff in the organisation. Staff are expected to take on additional duties with no financial recognition and there is also a health and safety issue regarding personal liability in certain situations. Temporary outdoor workers cannot be recruited for seasonal work as a result of this circular. Other issues arising from this circular relate to Kerry County Council not being allowed to take on Lifeguards for beaches, additional Traffic Wardens during the summer, Litter Pickers, Register of Elector Enumerators and re-engagement of School Wardens in September. A case must be made by the Local Authority to the Minister for Finance for every appointment.

The implications of this circular will have an impact on the level of service Local Authorities will be able to provide in the future. If long term staff opt to take early retirement they will not be replaced.

County and City Managers are negotiating on these issues at national level. A representative group from the CCMA met with Department of the Environment, Heritage & Local Government senior officials last week. The DoEHLG are reverting to the Department of Finance on issues raised and a response is awaited.

Item 3 Roads Grants

Mr. C. O'Sullivan, Director of Roads & Transportation, said the revised overall grant allocation for Regional & Local roads is 75% of the original 2009 allocation. However, whilst details are awaited from the Department of Transport, the Department has indicated that the extent of the reductions within the specific programmes will be as follows:-

- Specific Improvement Grants: Funding is likely to be reduced by 50% to €2.5m. The Department will revert on projects that will proceed in 2009.
- Restoration Improvement Programme (3 year programme of road works): Funding is likely to be reduced by 33% to €7.6m.
- Discretionary Improvement Works: Funding is likely to be reduced by 50% to €600,000.

There are no proposed reductions to Road Maintenance funding. Funding for NRA funded capital projects is not being reduced as commitments have been entered into.

In terms of staff, 69 temporary staff were recruited in 2008. It is unlikely that temporary will be recruited in 2009 having regard to the level of funding available.

In response to a query from Cllr. R. Beasley regarding street cleaning, Mr. O'Sullivan said street cleaning is primarily funded from own resources and whilst provision has been made in the budget to maintain street cleaning at 2008 levels, if there is a substantial reduction in income from rates, services such as street cleaning will be reviewed in the context of available funding.

Mr. J. O'Connor, Head of Finance, said if income from rates and water charges decreases Kerry County Council will have to adjust its expenditure budget accordingly. The years 2010 and 2011 will bring greater challenges to Local Authorities. Managing budgets for 2009 and managing budgets relative to income will be demanding work in 2009. He referred to Circular Letter FIN 03/2009 regarding Control and Monitoring of Local Authorities contribution to the General Government Balance (GGB). This circular seeks to control Local Authorities' spending and borrowing. A review is being undertaken of the Council's budget for the first quarter of the year and regularly thereafter.

Mr. C. O'Sullivan said in terms of achieving efficiencies and value for money the Roads and Transportation Department is seeking revised quotations for the supply of materials and plant and is seeking separate quotations for larger quantities on the major works.

Item 4 Mayor's Report on trip to New York for St. Patrick's Day 2009

Mayor Fleming referred to his report on the trip to New York for St. Patrick's Day celebrations 2009 and said this was a fruitful and worthwhile trip for the purposes of developing connectivity with organisations in the U.S. Meetings were held to promote tourism in Kerry as well as job creation. The IDA suggested that Kerry feed

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off Cork for Foreign Direct Investment rather than compete with Cork. A positive meeting was held regarding the hosting of the World Dancing Championships in Killarney in 2011. A detailed report is attached for the information of elected members.

Item 5 County Development Board

Ms. C. Brosnan, SEO Community & Enterprise, said at its meeting on 3rd April, 2009, the County Development Board finalised its review of the County Strategy and agreed an Action Plan for 2009-2012. This Action Plan is a work programme for the next three years and will focus on nine priority areas:

1. Agriculture, Fishing & Sustainable Energy
2. Enterprise & Foreign Investment
3. Tourism (including Sports & Recreation, i.e. Walks Strategy)
4. Education & Training/Family Learning/Health & Education
5. Equality & Social Inclusion
6. Older Person
7. Travellers
8. Community Engagement
9. Environment & Spatial Development (Social Plan)

A Draft Plan for the development of walking trails in the County was also considered by the Board. The consultants involved in this work estimate there are 100 distinct walking trails, including seven way marked ways in the county. This document proposes a range of actions to be implemented over the next five years.

The Board adopted a strategy plan for the Tralee-Killarney linked hub (The Hub Strategy) and considered ways of engaging young people in policy-making.

The Board considered the position of Chair of the Board. Currently the Chair is the Mayor of Kerry County Council and this changes from year to year. It was considered by the Board that it would be beneficial for continuity purposes to have one Chair in place for three years, with the Chair nominated by the CPG.

Item 6 Update from Chairs of SPCs

The meeting noted that reports from the Chairs of the Housing SPC, Planning SPC and Roads SPC will be presented to the April Council meeting.

Report by the Mayor of Kerry, Cllr. Tom Fleming to Council regarding Mayor's Trip to New York for St. Patrick's Day Celebrations 2009

I travelled to New York for the week of the 14th March to the 21st March with the Director of Service, Mr. John Breen. During our time in New York we had a number of very useful and positive meetings promoting the economic cultural and tourism development of County Kerry. During our time, we met with many businesses and other interests and had some quite useful meetings and discussions with a focus on promoting Kerry and on promoting investment into Kerry. I set out hereunder detailed report on the itinerary for the week spent in New York.

Note: - Given the economic times in which we are operating, a particular effort was made in the current year to ensure that the trip was as cost effective as

possible. In this regard, significant savings were made with regard to air fares and hotel accommodation rates by shopping around prior to travel.

Saturday 14th March 2009 – Left Shannon at 08:00am and arrived in Newark at 11:30am – having checked into the Hotel we met that evening with Officers of the Kerry Association in New York and had quite a useful discussion with the President Tom Kennedy and other Officers of the Kerry Association on matters of concern to them and we also had a general discussion on the economic situation in the United States and updated him on matters in County Kerry.

Sunday 15th March 2009 – Following attendance at Mass in St. Patrick's Cathedral we paid a visit to the Irish Hunger Memorial at Battery Park City. This memorial being a complete cottage transported from Ireland into Battery Park City and surrounded by skyscrapers is a poignant reminder of the famine times and its setting amid modern gleaming architecture further enhances the poignancy of the memorial. Situated as it is close to the point where many emigrants would have set foot in New York as they were processed through the Ellis Island Emigration Station. Its stands a fitting reminder to the many Irish people who made a new life for themselves in the United States.

On Sunday evening we attended at the Irish Arts Centre on 51st Street New York where an exhibition of paintings by Kerry Artists entitled "A Different Land" – Irish Bog Land Interpretations is presently on show until the 23rd April. This exhibition of Kerry based artists has been organized and facilitated by Mr. Jimmy Deenihan T.D. At the Irish Arts Centre we met with the Programme Manager, Ms. Joanna Groarke and the Vice Chairman of the Board of Directors, Ms. Pauline Turley and spent some time being briefed on the work of the Irish Arts Centre in promoting the culture, arts, theatre and visual imagery of Ireland to a large audience in New York. The centre is seeking to expand and have recently been given the site of a former garage by the City of New York for the sum of \$1. They are now setting out an ambitious fund raising drive to try to raise the necessary funds to have a state of the art facility in New York. In discussing matters with Ms. Turley and Ms. Groarke they outlined that many of the emigrant communities have there own museums and areas where they can display their cultures, such as the Jewish museum etc. They pointed out that no such facility exists to experience and showcase Irish culture to the huge emigrant population in New York. As Mayor of Kerry I was pleased to be able to pay an official visit to the exhibition during my visit to New York.

Monday, 16th March 2009 – Our business on this day commenced with a courtesy call to Mr. Ray Kelly the NYPD Police Commissioner at Police Plaza. We met with Mr. Kelly and Assistant Police Commissioner Ms. Joanne Jaffe for an hour long meeting and discussed various matters including how we may strengthen the links between the NYPD and Kerry following on from the successful visit of Officers from the NYPD Pipe Band to the New Year's celebrations in Portmagee, Co. Kerry last year. Mr. Kelly expressed his willingness to co-operate in any way to further enhance the links between his force which comprises some 24,000 Officers and County Kerry.

On Monday evening, we travelled to Gaelic Park to meet Mr. John Riordan and members of the Kerry GAA to discuss with them, along with some of their players the concerns and the issues regarding the undocumented Irish in New York. Many of those present expressed concerns that there is a new clamp down on the

undocumented and that even those who have been 10, 12 or 15 years in the United States in an undocumented capacity now run the risk of being returned to Ireland for minor indiscretions such as traffic offences. Concerns were also expressed that the advocacy role at Senate and Congress level which was lead by Mr. Ted Kennedy is diminishing and accordingly, the Irish Community outlined that they need more friends in the Senate and in Congress to push their concerns. It was outlined very clearly that Senator Karl Schumer had supported the Irish cause and was vocal and vicarious in promoting the need to address the issues. It was quite clear from listening to many of those present that this is a serious issue and impinges on the everyday life of those Irish in New York who cannot for example return home and in particular cannot return home for family events be they celebrations of weddings or unfortunately funerals. I undertook at this meeting that I would do what I could as Mayor of Kerry to highlight this issue and to address it at the highest levels here in Ireland so that whatever support can be given will be given.

Tuesday, 17th March 2009 – Our St. Patrick's Day in New York commenced quite early with an invitation to the Mayor of New York, Mr. Michael J. Bloomberg's Mayor's Breakfast at his official residence at Gracie Mansion at 07:00am, this was a very enjoyable event where we met many business leaders in New York, many of whom it transpired had connections with Kerry, particularly through golf tourism and golf trips. I met with Mayor Bloomberg and presented him with a framed panoramic view of the Lakes of Killarney. The Mayor's breakfast was also attended by Mr. Eamon Ryan, Minister for Communications and Natural Resources. This event gave us a unique opportunity to meet and discuss with many business leaders the benefits of coming to Kerry for both recreation and business. We have made a number of contacts through this particular event which will be followed up on and hopefully will bring benefit to Kerry in the future.

Following the event at Gracie Mansion, we attended Mass at St. Patrick's Cathedral and later in the day joined the Kerry Association and marched with them in the St. Patrick's Day Parade up 5th Avenue. St. Patrick's Day in New York was a beautiful warm spring day and marching with the Kerry Association and Kerry people in the parade gives support to our County people abroad which is very much appreciated and many persons commented on their appreciation that the Mayor of Kerry travels to support them on this particular day. Following the conclusion of the parade we travelled to the Kerry Hall in Yonkers for a post parade function which again gave me an opportunity to meet many Kerry people who are now resident in New York. Speaking at the function in the Kerry Hall, I thanked the President, Mr. Tom Kennedy and Officers of the Kerry Association for the hospitality which they had shown to our party and I thanked them in particular for the work and continuing efforts they make on behalf of Kerry in New York.

Wednesday, 18th March 2009 – Our series of meetings on the day after St. Patrick's day commenced early again with an 09:00am appointment with the IDA Officials in their offices on 5th Avenue. We met with Mr. Seamus Carroll Vice-President of the IDA in United States and Ms. Samara Buckley. In the course of this most useful meeting, we explored the possibilities for foreign direct investment into Kerry in the future and in particular discussed the present economic situation and how Kerry and the IDA itself were responding to same. A clear message which was coming forward was that we need to in the present context and for the foreseeable future look after the companies which we have and ensure that they are sustained in our local economy. It was also outlined that much investment has been made in the United

States by many companies into the area of "Green Energy" and it was interesting to note that the investment in this area surpassed that in software or bio-tech in the last number of years for American Companies. It was outlined that there may be potential gains for County Kerry in this regard given the level of coastline and also the level of upland areas available for the generation of wind energy. The extent and impact of the economic situation on American Companies in terms of their decisions to relocate elsewhere was outlined very clearly by Mr. Carroll and in particular the need to reduce the cost base in Ireland was highlighted given the comparisons that American Companies are doing as between Ireland, other European destinations and other worldwide destinations, and in particular with regard to wage costs.

I found this a most useful and enlightening meeting and it was quite reassuring to see the work which is being done by IDA Ireland in promoting our attributes as an investment destination.

We then proceeded to the New York Irish Centre in Jackson Avenue, Long Island City which is a centre which provides many services to Irish Emigrants in New York. On this particular day, they were hosting a lunch which they do weekly for their Senior Citizens which is followed by card games. This was a most useful and rewarding visit wherein we met many people from various Counties in Ireland including some Kerry people who again were most appreciative of the Mayor of Kerry making the effort to call and spend some time with them in their facility. The Director of this Centre, Ms. Liz Kenny gave us a run down on the type of services and facilities which they provide and indeed on the struggles to keep the centre operating given that they receive no funding in the United States and are supported by a Grant from the Irish Government. Ms. Kenny showed us around the facility which includes a library, meeting rooms, internet café, restaurant etc. This is indeed a tremendous facility available for Irish people in New York and is one which should receive all and every support possible to ensure its continued operation. It was interesting to note that the Senior Citizen lunches are donated by various restaurants and food suppliers in the city and that this occurs each Wednesday and allows for a full lunch to be provided for Senior Citizens and is a very good example of a community helping its own community. Much appreciation was expressed by many of the people there prior to leaving the centre, that I as Mayor had taken the time to visit during my time in New York. Ms. Liz Kenny actually pointed out that the only other dignitary who had visited during that week was Mr. Martin McGuinness, Deputy First Minister of Northern Ireland.

In the afternoon we met with Ms. Marie Fullington the Vice President of Strategic Marketing and Ms. Alison Metcalfe, Vice President of Marketing of Tourism Ireland at their offices on Park Avenue. Both Ms. Metcalfe and Ms. Fullington gave us a presentation on the work which Tourism Ireland were undertaking in promoting Ireland in the United States and Canadian market and outlined a most interesting presentation regarding the targeting of American visitors and the facts and figures around their importance. I requested that they would forward a copy of the presentation to us, as it may be useful to have same copied to the Council Members. In particular, they outlined that they were focusing their marketing on 15 district metropolitan areas in the United States and that the market they were targeting comprised of 12 million potential American visitors. They outlined in particular that the key issues in the current climate were value and price and that access into the Country was a particular issue. They also highlighted that the Airport at Shannon has lost 30% of its business from North America over the last number of years and

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that this was a worrying trend. Interesting, the Tourism Ireland website which normally receives 7 to 8,000 internet hits a day, received 42,000 on St. Patrick's Day and the following day due in no small part to the fact that the NBC Morning TV programme came live from Ireland on both days and was a huge benefit in marketing the island of Ireland.

In terms of the connectivity as between Ireland and the United States and Canada, they outlined in the peak season for 2009, there will be 122 flights per week, between Ireland and North America.

I found the meeting with Tourism Ireland most useful and interesting and again it highlighted the sterling work which is being undertaken to promote the island of Ireland in these difficult economic circumstances. We outlined to Tourism Ireland, the intent of Kerry County Council to set up an Ambassador Programme, where we would use well know figures to assist us in the tourism, economic and other promotion of the County. Both Marie Fullington and Alison Metcalfe outlined that they would be more than willing to assist in any way possible, to ensure that this programme was a success.

That evening, I hosted a dinner for the representatives of the Police Department and from New York City Council who had organized the meetings with the Police Commissioner and the Mayor as part of our trip. It was most useful to gain an insight into the workings of the City Council who are presently in a budgetary process. Budgets are adopted on a June to June basis and to get an insight into the workings of the Police Department where a comp stat process of recording, presenting and improving statistics on a weekly basis is implemented and has brought about a large reduction in crime and in particular a reduction in homicides.

Thursday, 19th March 2009 – The Director of Service and I attended at a breakfast meeting with Ms. Linda & Ms. Karen Petri who are two Irish dancing teachers in New York, who are also involved in the organising of the World Dancing Championships. We met with these two representatives in an effort to promote the possibility of bringing the World Dancing Championships to Killarney in 2011. The Championships take place in Philadelphia in April of this year and we had quite a positive meeting with the two representatives in the context of the facilities available in Killarney, the accommodation facilities available, and the overall reasoning as to why it would make sense for the World Dancing Championships to come to Killarney in 2011. Should it be possible to attract this event, the economic benefit for Kerry will be quite large. This was a most positive meeting and we certainly got the sense that the two representatives were most anxious having been involved with the Irish Dancing Championships in Killarney previously to return to Kerry in the future. I outlined that we would forward a number of details to them, regarding technical aspects, and of all the facilities available in Killarney which would be available to host the event.

In the afternoon we met with Ambassador Niall Burgess the Consul. General of Ireland at his offices on Park Avenue. Mr. Burgess displayed quite an affinity for County Kerry and outlined that he had been involved in the visit of the NYPD Officers to Portmagee for the New Year celebrations last year. Mr. Burgess outlined that he was very keen to develop and improve upon these linkages and if possible to extend these linkages into a longer stay in Ireland. In doing so he felt that other American tourists maybe encouraged to come to Ireland outside of the peak season and thus

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contribute to the tourism spread over a longer period of time. Mr. Burgess who has in the past worked extensively with Mr. Dick Spring during his time as Minister for Foreign Affairs is keen to continue the promotion of County Kerry in his role as Ambassador to New York and has offered all and every assistance to Kerry County Council in this regard.

I certainly intend as Mayor to continue to liaise with Mr. Burgess and to use the offices which he has offered in the promotion of our County.

Friday, 20th March 2009 – We attended the 41st Annual Kerry Association Dinner at Astoria World Manor in Queens New York on Friday evening. This was a Gala event attended by over 500 people and was a night of celebration and congratulation for Kerry Association and all of their members. The night was attended also by the Rose of Tralee 2008 Aoife Kelly, the Irish Ambassador, Niall Burgess, Senator Mark Daly, Council Member Liam Mccloughlin of Queens. This annual event is a tremendous opportunity to meet with those who run the Kerry Association and equally to meet with those from Kerry who attend the dinner. Again I found that people were most appreciative of the attendance of the Mayor at the event and felt quite strongly that the Mayor should attend at all times such events to support the work which is being undertaken on an annual bases by the Association. In my speech delivered to the dinner, I outlined the pride which Kerry people have in their native County. The resilience which they have always demonstrated and which is needed to come through the economic situation, I thanked the Association for the tremendous hospitality during our weeks visit and also took the opportunity to outline the need for American tourists and Kerry people living in America to return home and visit and was particularly stressing the value for money that exists presently particularly in the golf tourism market. For example, I outlined that playing Ballybunion, Killarney & Waterville Golf Courses in 2008 would have cost €550, where for the coming season it will cost €290. In this way, I outlined that the business had recognized that its costs were too high and was responding accordingly. I felt that it was quite important that this positive message was conveyed to ensure that the value and the choice is known in the United States.

On the night a number of people were honoured for their contribution to the Kerry Association. The Guest of Honour was Mr. Jimmy O'Connor from Bonane, distinguished service award winner who has over come cancer and has run the New York Marathon to raise funds for cancer research. Mr. John Clifford from Killorglin was presented with a Leadership Award and Ms. April Drew a young journalist from Tralee who writes for the Irish Voice, also received a Leadership Award. We enjoyed a most pleasant evening meeting and discussing with various Kerry people their experiences in New York, and their hopes for the future. Again a most useful and worthwhile exercise in supporting the tremendous work which our Kerry Association does abroad.

Saturday, 21st March 2009 – We departed Newark at 07:25pm – returning to Shannon at 06:00am on Sunday morning.”

Mayor Fleming thanked the President of the Kerry Association in New York, Mr. Tom Kennedy, for his huge input into the organisation of this trip. Mr. Kennedy and other Officers of the Kerry Association provided a great welcome and were very helpful throughout the week. He also thanked Mr. Billy O'Sullivan for the itinerary items provided. He thanked Mr. J. Breen, Director of Housing & Community and Enterprise

who made very good use of his contacts in New York. He said this was a very fruitful trip to New York.

Cllr. M. Gleeson complimented the Mayor on the itinerary for the US visit. That visit has huge implications for the county in terms of what can be achieved in the tourism sector. He referred to Notice of Motion No. 16 on the Agenda and moved this motion.

16 Walkways in Kerry

Pursuant to Notice duly given, Cllr. M. Gleeson PROPOSED:-

"That the Council would detail the degree of progress made towards the development of walkways in Kerry. Their development and proper signposting will be a vital factor in progressing tourism in the County."

The following report issued:

Kerry County Council recognises the valuable importance of walking tourism to the County and in recent years has provided matching funding, in addition to Fáilte Ireland grant aid, for the development of walks. The Council has also supported local walking groups in the purchase of materials for the upgrading of existing long and short walks.

A working committee was established in 2007 by the Council including representatives from Fáilte Ireland and groups involved in the promotion and development of walks in the County, to optimise the funding available for the development of walks and to further develop the tourism potential of the walking product.

In 2008, a consultant was commissioned by Fáilte Ireland to prepare a draft Tourism Walking Trails Strategic Plan. This draft Strategy included an audit of the existing walking trails product in terms of its readiness for the tourism market, an identification of the deficiencies and weaknesses in the existing facilities and a plan of deliverable and sustainable actions to give a clear direction for the development of a world class trails product for County Kerry. This was presented by Fáilte Ireland to the County Development Board at its April meeting.

The plan was agreed in principle but further works are required with Fáilte Ireland and the consultants in order to finalise the document. A full report will then be brought to Council, particularly in relation to any support that this Council could offer, in supporting the further development and promotion of the walking trail product.

Cllr. M. Gleeson said at this time of enormous economic implosion, tourism is of the utmost importance to County Kerry. The development of all aspects of tourism is fundamental and urgent. Internationally, it is recognised that walking has great tourism potential. Kerry has an amount of walkways which are a great tourism attraction. These walkways must be maximised by signposting walkways properly and developing walkways to facilitate tourists. Signposting is required as a matter of urgency despite the lack of finance. He asked that management work with the many groups involved in the development of walkways to maximise this aspect of tourism in Kerry.

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Mayor Fleming SECONDED Cllr. Gleeson's Notice of Motion. Activity holidays have great potential. Ms. Fiona Buckley, General Manager of Fáilte Ireland, attended the County Development Board recently and a plan is being formulated for walks.

Cllr. J. O'Connor welcomed the development of walkways in Kerry. The South Kerry Development Partnership has been working on development of walkways with farming organisations. He requested that there would continue to be negotiations with the farming community on this matter. It is a concern within the farming community that maps of walks are being produced over lands on which there is no agreement with the landowner.

Cllr. R. Beasley referred to the cliff walk in Ballybunion and requested that this walk be extended to Clancy's Quarry. It is a beautiful area and it would be important to tourism in the area to extend that walkway.

Shared Ownership Housing Scheme

Cllr. T. Ferris said Kerry County Council is one of few local authorities prepared to lend for Shared Ownership Housing Schemes. Applicants are waiting for their Shared Ownership applications to be approved in principle. In the current economy, more than ever, Kerry County Council should ensure applications are processed expeditiously so people can purchase properties and stimulate the economy.

Cllr. T. O'Brien supported Cllr. Ferris in this regard.

09.04.20.02 Confirmation of Minutes

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. M. Gleeson, it was resolved that the Minutes of the March Ordinary Meeting of Kerry County Council held on 9th March, 2009, be confirmed.

09.04.20.03 Report in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006

Mr. C. O'Sullivan, Director of Roads & Transportation, referred elected members to report which was circulated in relation to the proposed re-alignment of High Street junction incorporating changes to traffic flow at High Street, St. Anne's Road/Rock Road Junction in the townlands of Kilcoolaght and Killarney. The proposals were placed on public display and no submissions were received. This report was considered by the Members of Killarney Town Council and adopted at its meeting on 2nd March, 2009. As these roads are in the charge of Kerry County Council, this report is now being submitted to this Council, in the course of compliance with Section 179(4) of the Planning & Development Act, 2000 and Section 138(1) of the Local Government Act, 2001, for consideration.

Cllr. M. Gleeson said this matter has been discussed and agreed at Killarney Town Council. In the context of the Tidy Towns competition he requested that this junction be landscaped.

Cllr. B. Cronin said there was confusion for motorists at that junction and it was highly dangerous. This proposal is very welcome and will give clarity to road users.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. Ferris, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the re-alignment of High Street Junction incorporating changes to traffic flow at High Street, St. Anne's Road/Rock Road junction in the townlands of Kilcoolaght and Killarney.

09.04.20.04 Disposal of Property

(a) Boherbee, Tralee

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. T. O'Brien, it was agreed to approve the disposal of a plot of land comprising of approximately 0.024 acres located to the rear of the buildings at 33, 34 and 35 Boherbee, to (Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested) in accordance with the terms of notice issued on 8th April, 2009, pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

(b) Dromin, Ballybunion

Cllr. R. Beasley declared that he is a distant relation of (Name withheld for Data Protection purposes. A paper copy of these minutes can be requested.) and he then left the Council Chamber.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve of the disposal of a plot of land comprising of 0.159 acres approximately in total situated in the townland of Dromin, Ballybunion, Co. Kerry to (Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested) in accordance with the terms of notice issued on 2nd April, 2009, pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

Cllr. R. Beasley returned to the Council Chamber.

09.04.20.05 2008 Audit Committee Report

Mr. J. O'Connor, Head of Finance, referred elected members to report dated 9th April, 2009, regarding the 2008 Audit Committee Report which had been circulated. The report reviews the work of the Audit Committee over the period 18th December, 2007, to 31st December, 2008, and outlines the manner in which the Audit Committee has sought to deliver its functions. He drew attention to the last paragraph of the report which reads "At a time when government at a central level and elected members and senior management at a local level are grappling with the most challenging business and governance environment in living memory and there are concerns expressed regarding the quality and effectiveness of public service delivery for users, customers, stakeholders and the wider public, the audit committee looks forward to assisting, supporting and challenging the organisation in the year ahead". Cllr. Purtill has been nominated to comment on the Audit Committee Report.

Cllr. L. Purtill thanked the Council for nominating him as a member of the Audit Committee which was formed in December, 2007. He thanked fellow members of the Audit Committee: Mr. Aidan Horan, an excellent Chairman, Dr. Clare Rigg, Mr. Gene Boyd and his fellow Councillor Michael O'Shea. He also thanked the County Manager, Mr. T. Curran, Head of Finance, Mr. J. O'Connor, Internal Auditor,

Ms. Kathleen Moriarty and Mr. J.D. Flynn, Secretary to the Audit Committee. He thanked the Directors who appeared before the Committee and presented their work programmes, financial management and control systems. He said he would not outline the report as it has been circulated to the members but he is satisfied with the governance and control systems that the Audit Committee has examined and he fully endorsed the report before the Council.

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. M. O'Shea, it was agreed to note the 2008 Audit Committee Report.

09.04.20.06 Annual Financial Statement

Mr. J. O'Connor, Head of Finance, referred elected members to the Annual Financial Statement 2008 which had been circulated. He said any set of accounts is a snapshot of the position of an organisation in time and the financial position of an organisation can vary dramatically within the accounting period of one year. This must be considered in terms of the Annual Financial Statement for 2008 as since the end of 2008 the economic situation has changed dramatically. 2008 was a successful year and a lot of projects were completed. However, the current financial situation is unstable given the movement in the local, national and global economies. Since the end of 2008 the economic position is very different. The 2008 accounts cannot be taken as an indicator of how Kerry County Council will fare in 2009. He referred the members to the Financial Review at the beginning of the Annual Financial Statement 2008. The accounts of Kerry County Council for the financial year ended 31st December, 2008, have been prepared in accordance with the Local Authority Accounting in Ireland Code of Practice and Accounting Regulations, and the directions of the Minister for Environment, Heritage and Local Government. The 2008 Statement has been prepared on the accruals accounting concept. The Annual Financial Statement is subject to external audit by the Local Government Audit Service. In October, 2007, the Council established an Audit Committee following a resolution of Kerry County Council. The approved Audit Committee Charter outlines the functions of the Committee which are to:

- Review financial and budgetary reporting practices and procedures within the Council
- Foster the development of best practice in the internal audit function
- Review auditors' reports and special reports and assess follow-up action by management
- Assess and promote efficiency and value for money
- Review risk management systems and
- Make such recommendations to the Authority as the Committee considers appropriate in relation to the foregoing.

Total revenue income (including accrual income) for 2008 was €143,757,706 and expenditure amounted to €143,575,461. There is a closing credit balance on the Revenue Account of €1,756,037. Effective budgetary control of expenditure and income throughout the organisation has enabled the Council to fund some old job balances in the capital account, to carry forward provisions for a small number of ongoing Council work programmes, together with some uncompleted projects at year's end, and to close the financial year with a small credit balance, allowing for the accrued income now incorporated into the Revenue Account - the overall closing credit balance amounts to just 1% of Kerry County Council's total Revenue budget. He outlined the main provisions being carried forward to the 2009 Budget and additional expenditure incurred to the allocation approved in the adopted Budget 2008.

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Of every €100 spent by Kerry County Council €72 is spent on the four major programmes: Housing, Roads, Water Supply and Environment. €55 of every €100 spent comes from Exchequer funding. If the Exchequer is in difficulty, Kerry County Council is also in difficulty.

Mr. O'Connor referred to debtor collections and said while receipts in housing rents, housing loans and water charges were above the level projected in the adopted Budget, the receipts from rates were below the budgeted figure. Following on from the deteriorating economic climate during the year and despite considerable efforts at collections, the debtors on all major local income streams, particularly rates, showed an increase at year's end. Kerry County Council's collection staff are trying to work through a satisfactory payment schedule with all debtors and the Council wishes to encourage all debtors to come forward and engage fully and constructively in that process. Where reasonable efforts according to available means are not being made to pay outstanding debts Kerry County Council will have to take appropriate court recovery measures.

Mr. O'Connor referred to the Capital Account and said 88% of Capital Expenditure was spent on the four major programmes: Housing, Roads, Water Supply and Environment. This is broken down as follows: 35% Housing, 20% Roads, 24% Water and 9% Environment. Capital Grants account for €57 of every €100 spent by Kerry County Council. Capital Account income in 2008 was €120,619,626. Expenditure was €123,250,165. There was a credit balance on the Capital Account at 31st December, 2008, of €10,936,953 allowing for the credit balance brought forward at the beginning of the year.

The Council is contracted for the provision of a number of water and waste water schemes at present and is advancing the planning and design of a number of other schemes. It is essential for the ongoing efficient delivery of Kerry County Council's investment programme envisaged for urgent water and wastewater schemes in particular and for the sustainable financial position of the Council in these very difficult financial times that funds continue to be available within the Capital Account to enable the start-up of any approved projects and to finance cashflow while long-term funding is being organised, such as grant-aid and/or borrowings, as appropriate. Before any project contract is signed, there will be close scrutiny of the project and means of dealing with any loan charges in the medium to long term. Generally, Kerry County Council will be supporting only water or wastewater schemes of the highest priority.

The financial turmoil that started last Autumn has grown much deeper in the interim and at this stage, is set to have a major impact on both Kerry County Council's revenue and capital income for 2009 and subsequent years. Accordingly, then, all Kerry County Council's works and investment programmes must be regularly reviewed and adjusted to meet the changed financial circumstances both nationally and locally. Over the coming year and far beyond, the Council must relentlessly implement strict budgetary and debtor control so as to sustain its financial capacity to deliver the core essential statutory services to the residents of and visitors to the county. It is intended to report regularly to the Council on the budgetary changes required as circumstances demand over the coming months.

Circular Letter FIN 03/2009 dated 13th February, 2009, from the Department of the Environment, Heritage and Local Government imposes very strict obligations on local authorities to avoid any deficit in the current account, to keep expenditure and

income in the capital account in balance for 2009, to borrow only in accordance with ministerial sanction and to keep the net bank position limited to the previous year's level. In effect, this leaves very little discretion to local authorities to manage their affairs during the coming year.

Keeping such a major budget under control is a challenge and requires a good deal of work across the entire organisation including every Directorate, every Budget Holder and within the Finance Department. He thanked all staff who worked over 2008 to keep the finances and accounts under control. As mentioned in the Mayor's CPG Report, Kerry County Council is fortunate that it does not have a debit balance on the Revenue Account in facing this economic challenge. He complimented Ms. A. McAllen, Financial/Management Accountant, and her staff for preparing the reports for the Annual Financial Statement.

Mayor Fleming thanked Mr. O'Connor for his report on the Annual Financial Statement 2008. He complimented the Head of Finance and his staff for a detailed and professional report which is a great credit to the Finance Department.

Cllr. M. Healy-Rae said the Annual Financial Statement indicates that €600,000 is being brought forward to the 2009 Budget and welcomed €50,000 brought forward for the purposes of supporting Tidy Towns initiatives. Because of the current economic downturn funds should be directed to this sector and voluntary committees to ensure that visitors to the county see well presented towns and villages. He PROPOSED that a further €25,000 be directed to Tidy Towns initiatives from the €600,000 being brought forward from the 2008 adopted budget.

Cllr. J. O'Connor asked if as Chair of the Killorglin Tidy Towns Committee he should leave the Council Chamber.

Mr. J.D. Flynn, Director of Corporate Services, under the Code of Conduct for Councillors this is an issue for consideration by Cllr. O'Connor.

Cllr. J. O'Connor left the Council Chamber.

Cllr. J. Brassil thanked the Head of Finance for his report on the Annual Financial Statement 2008. A report that is balanced on these accounts is a credit to the Head of Finance and his staff. This will stand Kerry County Council in good stead in getting through difficult economic times. He said he would consider that daily and weekly analysis of finances is required in the current economic climate. €50,000 is being brought forward towards the Energy Management Improvement Programme across the organisation. He referred to Notice of Motion No. 13 on the Agenda and moved that motion.

13 Electricity Costs for Kerry County Council

Pursuant to Notice duly given, Cllr. J. Brassil PROPOSED:-

"What is the ESB bill for Kerry County Council's Head Office and their network of offices around the County and what energy saving methods have been put in place to reduce this bill".

The following report issued:

A summary of electricity costs for 2008 is presented in the table below.

Sites	Cost (€)	% of Total
Offices (9 Sites County Buildings 2008 Expenditure was €145,218)	192,133	6%
Libraries (9 Sites)	67,590	2%
Fire Stations (14 sites)	63,761	2%
Water Services (Water & Wastewater pumping & treatment)	2,394,201	74%
Public Lighting	531,368	16%
Total	3,249,053	

To reduce electricity consumption and costs at County Buildings, numerous initiatives have been undertaken including; reduction in lighting levels, energy monitoring to identify areas of high usage, tendering for electricity supply and utilisation of more energy efficient computer servers. Initiatives have also been undertaken to reduce the oil consumption at County Buildings including installation of improved radiator and boiler control.

From the table above, it can be seen that the portion of expenditure on electricity that is attributable to buildings (10%) is significantly smaller than the amount spent on Water Services and Public Lighting (90%). As Water Services are the largest consumers of electricity, energy conservation and cost reduction initiatives have focussed primarily on this area. Measures that have been taken include:

- a. Installation of high efficiency pumps, motors and controls; in a sample of 19 projects completed, running costs have decreased by an average of 19% when compared with pre upgrade running costs.
- b. Winter Peak Demand Reduction Scheme (WPDRS): Since initially participating in this scheme in 2003, the Council's annual expenditure to electricity suppliers has reduced by an average value of €66,975 by eliminating demand from the national grid during peak times (17:00-19:00).
- c. Lough Guitane Hydro Turbine: From its installation in October 2001 to January 2009, the turbine has generated electricity to the value of €700,241. This electricity is consumed at the nearby water treatment plant. The typical lifetime of this hydroelectric system runs to 50+ years, the Lough Guitane project will continue to provide security of energy supply and reduced energy costs to Kerry County Council for many years to come. This project, along with the initiatives listed in (a) and (b) above, received the inaugural (2008) Chambers Ireland Award in the Energy Category.
- d. Existing and proposed Water Service facilities offering potential for hydro electric generation are currently being examined, e.g. Hags Glen Water Abstraction Pipeline and Lissardboola Reservoir.
- e. Electricity Procurement: To ensure electricity is obtained at the most competitive rates, electricity supply to Kerry County Council is tendered for

annually. In 2008, electricity supply to the 28 largest Kerry County Council electricity users (primarily pump houses and wastewater treatment plants, but including the County Buildings complex at Rathass) was tendered. Tendering was extended in 2009 to include a total of 150 Kerry Local Authority electricity accounts.

- f. In relation to other Kerry County Council building stock, high efficiency lighting is employed in all new buildings (e.g. Castleisland ASC 2008, Killorglin ASC 2007 and the proposed new Killarney Area Offices). Motion and light level control has been installed in these buildings also to ensure lights are not consuming electricity unnecessarily. Some older buildings have also been retrofitted with high efficiency lights where it has been feasible to do so, e.g. Tralee Library. Electricity consumption has reduced by 49% from 2005 to 2008 at Tralee Library as a result of this, and other energy conservation measures taken. That building has achieved a very satisfactory certified energy rating at this stage.
- g. A review is taking place at present on our public lighting infrastructure so as to assess any shortcomings and inefficiencies. A full report will be brought to the Transport SPC in due course.

In addition to the measures above, in August of 2008, Kerry Local Authorities implemented an Energy Management Action Plan (Energy MAP). As well as enabling continued performance improvement in the high energy use areas, Energy MAP provides a framework for developing energy saving initiatives and awareness across all Departments.

Cllr. J. Brassil thanked the executive for the comprehensive report on this Notice of Motion and said even a 1% saving over a year would be substantial for Kerry County Council. A 10% saving would be of great value to Kerry County Council. He welcomed the programmes and capital investment that is in place. The payback on these investments will be less than a year and at most 2 years. He referred to a company in the Kerry Technology Park involved with energy saving and a system which controls the use of electricity through wireless technology. This system could be used to control street lighting. Kerry County Council should set a target of a 5%–10% reduction in electricity costs over the next number of years.

Mayor Fleming commended Cllr. Brassil on this motion. Kerry County Council's Energy Officer is achieving a lot of savings and efficiencies in energy usage.

Cllr. D. Kiely complimented the Head of Finance and Finance staff on the report presented on the Annual Financial Statement 2008.

Cllr. P. McCarthy complimented the Head of Finance and the staff of the Finance Department on the Annual Financial Statement 2008. Due to its dependance on government grants for 55% of funding across the four major programmes Kerry County Council will be vulnerable over 2009. He asked if this will affect the major programmes and their budgets over the year.

Cllr. M. Cahill referred to the Kerry Community Awards and congratulated all participants in these awards. He wished Glenbeigh and Portmagee well with the national finals of the Pride of Place Competition. He acknowledged the work that has been done to achieve energy savings within Kerry County Council and asked that this would continue. The general public are becoming more energy saving conscious.

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Mr. J. O'Connor, Head of Finance, on behalf of all staff in the Finance Department thanked the members for their comments. In relation to Cllr. Healy-Rae's proposal he said Kerry County Council, in the 2009 adopted budget, has provided €20,000 for Tidy Towns initiatives. Overall €70,000 is available for Tidy Towns initiatives in 2009 when the brought forward figure from 2008 is included. He said it would be of more value to Kerry County Council to keep the €600,000 being brought forward in a general support fund. In reply to Cllr. McCarthy's query, he said he would expect that all Kerry County Council's investment programmes will be affected throughout 2009. Kerry County Council is facing difficult economic circumstances and management will keep the members briefed as the year progresses.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill, it was unanimously agreed to note the Annual Financial Statement for the year ended 31st December, 2008, and to approve additional expenditure as outlined in the Financial Review including the provisions for the additional measures mentioned in that Review.

Cllr. J. O'Connor returned to the Council Chamber.

09.04.20.07 Polling Information Cards

Mr. G. O'Brien, A/SEO Corporate Affairs, referred elected members to report dated 6th April, 2009, regarding the issue of Polling Information Cards to electors for the forthcoming Local Elections to be held on 5th June 2009. The issuing of Polling Information Cards to electors is a reserved function in accordance with Section 55 of the Local Elections Regulations 1995 (as amended).

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the issue of Polling Information Cards for the forthcoming Local Elections.

Cllr. T. Ferris said many people do not realise they are not registered until the polling cards are issued and the date for the supplementary registrar has passed. She PROPOSED that polling cards issue as close to the date of the elections as possible.

Cllr. J. O'Connor SECONDED this proposal.

Mr. G. O'Brien, A/SEO, said the issue date for polling cards is left as close as possible to the date of the elections.

Mr. J.D. Flynn, Director of Corporate Services, said that the majority of polling cards will be issued by the County Registrar. Kerry County Council will be issuing polling cards to a limited number of people who are not European electors. The date for the statutory supplement is set by legislation.

Cllr. M. Healy-Rae asked if enumerators employed by Kerry County Council will be affected by budget cuts.

Mr. G. O'Brien, A/SEO, said if a enumerator has indicated that they are not interested in continuing the position and the position needs to be refilled Kerry County Council will have to seek Department of Finance approval.

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Cllr. N. Foley said many people do not receive polling cards. She said people should be made aware that if they bring I.D. to the polling station they are entitled to vote. Evidence of Identity will allow electors to vote irrespective of holding the polling card. It is important that this message is issued to the public.

Cllr. P. McCarthy said Kerry County Council should encourage as many people in Kerry as possible to vote. The last date for submissions for the supplementary registrar should be advertised in the media.

Mr. G. O'Brien, A/SEO, said this advertising is conducted on an annual basis for the supplementary registrar.

Cllr. P. McCarthy PROPOSED that Kerry County Council publish an advertisement encouraging electors to vote in the forthcoming Local Elections.

Cllr. M. Cahill asked if the normal advertising campaign will go ahead for the 2009 Local Elections.

Mr. G. O'Brien, A/SEO, confirmed that the advertising campaign will proceed in 2009.

Cllr. P. O'Donoghue referred to the requirement that disabled persons submit their postal votes within 48 hours of the Minister signing the Order for the Local Elections. He requested that a letter issued to the Minister regarding this matter. He referred to the last elections and the separation of ballot papers and asked if the same procedure will be applied whereby the ballot boxes are brought to Tralee for separation and then transferred to Killarney for counting.

Mr. J.D. Flynn, Director of Corporate Services, said the responsibility for setting out the ballots rests with the County Registrar. The separation of ballot papers will be undertaken in Tralee. When completed the ballot boxes will be transferred to Killarney for counting. It is not within the remit of the Council to decide where the separation of the EU votes will take place. The elected members can make a recommendation to the County Registrar on this matter.

Mr. G. O'Brien, A/SEO, said additional staff will be employed in Tralee for the separation of the ballot papers which should expedite the separation process.

Cllr. T. Ferris suggested that staff on fixed term contracts be given first refusal for counting the ballot papers.

Mr. J.D. Flynn, Director of Corporate Services, said the counting of ballot papers is critical and experienced staff will be used for the count.

National Youth Council of Ireland

Mayor Fleming referred to a letter received from the National Youth Council of Ireland regarding their campaign "Vote at Sixteen – A New Age in Voting" which is calling for a change in the law to allow young people aged 16 and 17 to participate in all referenda and elections. The National Young Council of Ireland have requested Kerry County Council to support their campaign.

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. T. Ferris, it was agreed to support the National Youth Council of Ireland campaign to change the law

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to extend the electoral franchise to young people at the age of 16 for the upcoming Local and European Elections.

09.04.20.08 KERRY LOCAL AUTHORITIES DRAFT ANNUAL REPORT 2008

Mr. J.D. Flynn, Director of Corporate Services, referred members to the Draft Kerry Local Authorities Annual Report 2008 which had been circulated. As no Ordinary Meeting of Kerry County Council will be held in June it is proposed to present the final Annual Report to the elected members for adoption at the May Council Meeting.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. O'Brien it was unanimously agreed to note the Kerry Local Authorities Draft Annual Report for 2008.

Fish Counting Device on the Maine River

Cllr. B. Cronin referred to a fish counting device being installed across the Maine river adjacent to the Farranfore straight and asked if planning permission is required for this development.

Mayor Fleming said that this matter will be considered at 3.00 p.m.

09.04.20.09 An Bord Pleanála decision on the Cromane Pier Access Road Compulsory Purchase Order No. 1 2008

Mr. C. O'Sullivan, Director of Roads and Transportation, referred elected members to report dated 9th April, 2009, regarding the decision of An Bord Pleanála on Cromane Pier access road – Compulsory Purchase Order No. 1 2008 which had been circulated and outlined the detail of the report. Having considered all the documentation available and all the evidence presented at the oral hearing, the Inspector recommended that the Compulsory Purchase Order be confirmed. The board did not concur with the Inspector's recommendation and determined that in the absence of statutory approval for the altered route it did not consider it appropriate to confirm the Order. On the basis of the board's decision, the Council will examine the legal implications under current planning legislation as to the appropriate manner in which the planning issues need to be addressed. Subject to planning approval and confirmation from the Department of Agriculture, Food and Fisheries that funding will be provided for the acquisition of the lands for the project, the Council will then commence a new Compulsory Purchase Order for the lands.

Cllr. M. Cahill said this was disappointing news for the Cromane community and particularly the fishermen. The campaign for this pier is going on for years and funding made available last year for land acquisition was returned because agreement could not be reached. He acknowledged the role of Kerry County Council staff who endeavoured to reach agreement with all parties to the CPO route. The original route was changed and planning permission was not in place for the route which was before the CPO hearing. There is no guarantee that the funding which was returned will be available again. Cromane is suffering repeatedly. The mussel industry is worth €5m to the community in Cromane. There are jobs there for people if the right decisions are made by the Department regarding this area. He asked how long this will delay the pier project and when the next CPO will be undertaken.

Mr. C. O'Sullivan, Director of Roads and Transportation, said a Part VIII must be undertaken for the revised road.

Cllr. M. Healy-Rae expressed disappointment with the An Bord Pleanála decision regarding Cromane Pier. He supported Cllr. Cahill's comments and said Cromane has suffered greatly at the hand of Government particularly when fishing was stopped. He said the pier is not stopped completely and it should be supported again. He said he hoped these issues can be resolved and that the pier will be developed in Cromane.

Cllr. P. O'Donoghue said progress in Cromane is again being prevented. This community is facing continuous set backs and the pier should be supported to go ahead.

Cllr. M. Cahill referred to notice of motion No. 19 on the agenda and moved this motion.

19 Castlemaine Harbour

Pursuant to Notice duly given, Cllr. M. Cahill PROPOSED:-

"That Kerry County Council call on Minister Brendan Smith, Minister Tony Killeen and Minister John Gormley to ensure that Castlemaine Harbour is left opened this year to the sourcing of mussel seed and also for the draft net salmon season".

Mr. G. O'Brien, A/SEO said this is a matter for consideration by the members.

Cllr. M. Cahill said the decision made in 2008 to prohibit fishing in Castlemaine Harbour should not be repeated in 2009. He requested that a meeting be sought with these Ministers regarding Castlemaine Harbour.

Cllr. M. Healy-Rae seconded the request for a meeting with the ministers regarding Castlemaine Harbour.

The meeting adjourned for lunch at 1.00 p.m.

The meeting resumed at 2.45 p.m.

Emergency Motion

Cllr. J. O'Connor moved an Emergency Motion on behalf of the Irish Farmers Association in connection with an EPA direction to local authorities in relation to farm inspections under the Nitrates Regulations and the Water Framework Directive. He circulated correspondence from the IFA which outlines that farmers are opposed to any inspections other than those carried out by the Department of Agriculture as agreed in the Nitrates Directive Action Plan. According to the EPA, 90% of rivers and streams are unpolluted or slightly polluted. Farmers are compliant with pollution control and the farming community has spent in excess of half a billion Euro on works under the Nitrates Directive. Cllr. O'Connor said these inspections will be a burden on local authorities. The IFA are requesting the members of Kerry County Council to adopt the following motion:

"That Kerry County Council rejects the establishment of a second on farm inspectorate, under the Nitrates Regulations and the Water Framework Directive as a wasteful and unacceptable burden on farmers and an unnecessary cost that county councils can ill afford. This compliance and on farm inspection work is already being carried out competently by a qualified Department of Agriculture inspectorate."

Mayor Fleming supported the motion. This is a further layer of bureaucracy and local authorities do not have the resources or finances to carry out further inspections around the county. This is another burden on Kerry County Council.

Emergency Motion

Cllr. D. Healy-Rae and Cllr. M. Healy-Rae moved the following Emergency Motion “Considering the current economic climate now more than ever before common sense farm practices will have to prevail – therefore we call on this council to unanimously support the call that farms be allowed to bury dead animals on their own land – a charge of €190 to take away fallen animals is absolute nonsense.”

Cllr. D. Healy-Rae said this is an unfair charge on farmers who are told they have to pay the full cost of transporting dead animals to another county. This is a further cost to farmers on top of the cost of the lost of the animal. Farmers cannot bear this burden any longer.

Cllr. J. O'Connor supported the motion and said this is an extra cost on farmers. He said the introduction of this charge was supported by Deputy Jackie Healy-Rae in the Dáil. Up to the last budget the Government was subsidising this cost.

Cllr. B. Cronin said Deputy Jackie Healy-Rae voted in favour of this charge.

Cllr. B. MacGearailt said the same directive is applicable for removing fallen sheep. The imposition of this charge should be reconsidered.

Cllr. M. Healy-Rae deplored comments made by members against Deputy Healy-Rae who has given great service to Kerry County Council and Dáil Éireann. He said he has the utmost respect for former members who did great work over the years and set the corner stones for the county as it is at present. Deputy Healy-Rae is a seasoned campaigner who is wise to such cheap politics.

Cllr. J. O'Connor said he wanted it recorded that there is a €45 million reduction for farmers this year. He said he was in the Dáil gallery when the vote was taken on the charge for the removal of fallen animals.

Cllr. B. Cronin said cheap politics is abusing state funds and using Dáil envelopes to canvass planning applications.

Cllr. R. Beasley supported Cllr. M. Healy-Rae's comments regarding Deputy Jackie Healy-Rae. Deputy Healy-Rae has been a good man for this county. Members trying to cause disruption like this is disgraceful.

Suspension of Standing Orders

The Mayor informed the meeting that as it was 3.00 p.m. it would be necessary to suspend Standing Orders in order to consider the remaining agenda items before the Notices of Motion.

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. J. O'Connor, it was unanimously agreed to suspend Standing Orders to consider the remaining agenda items prior to consideration of Notices of Motion.

09.04.20.10 Report on Planning SPC

It was unanimously agreed to note report from Cllr. T. O'Brien on this item which was circulated.

09.04.20.11 Report on Housing SPC

Cllr. C. Miller outlined his report on the Housing SPC which was circulated.

It was unanimously agreed to note report from Cllr. Miller on this item.

09.04.20.12 Report on Roads & Transport SPC

Cllr. D. Kiely outlined his report on the Roads and Transport SPC which was circulated. He asked the Director of Roads and Transportation to brief the members on the Roads grants that were recently announced.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the figures regarding the Roads grants were outlined earlier this morning. There was an informative debate regarding the programme and the implications the reduction in funding will have on the Road Works Programme. There is a substantial amount of work involved in reviewing the Road Works Programme and the implications of the reduced funding. A report will be presented to the members on the revised Road Works Programme for each Electoral Area when all issues are determined.

It was unanimously agreed to note report from Cllr. Kiely on the Road & Transport SPC.

09.04.20.13 Report on the Operations and Activities of Shannon Basin River District Advisory Council

It was unanimously agreed to note report from Cllr. P. Leahy on this item which was circulated.

09.04.20.14 Summary of Proceedings at Conferences

(a) UCC Business Conference

It was unanimously agreed to note Cllr. J. O'Connor's written report on this item which was circulated.

(b) North South Confederation of Councillors Training Seminar

It was unanimously agreed to note Cllr. L. Purtill's written report on this item which was circulated.

(c) 20th Colmcille Winter School

Cllr. S. Fitzgerald said the 20th Colmcille Winter School Conference took place this year from the 27th February–1st March, 2009. It was held in the Colmcille Heritage Centre, Gartan, Church Hill, Letterkenny, Co. Donegal. It was officially opened by Donnchadh Mac Fhionnghaile T.D.

Pádraig Ó hAoláin, CEO, Údarás na Gaeltachta, gave a detailed presentation of the present economic situation facing the West of Ireland.

"This present downturn is something which we haven't ever witnessed before, many manufacturing industries have left and moved to Eastern Europe".

"The first signs of the downturn were felt by Údarás when Contact 4, a company which employed over 200 people in three Gaeltachts closed overnight. This company depended on the banks for its core business."

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Other speakers who gave a presentation were Prof. Frank Barry and Michael O'Reagan, Parliamentary Correspondent of the Irish Times, who spoke on the political implications of the recession. Mr. Victor Hewitt, Director of the Economic Research Institute of Northern Ireland, spoke about the effects of the recession in the U.K.

Prof. Michael Clarke who works with the Department of Public Administration, California State University, San Bernardino, spoke of the current economic and political crisis in the United States.

The conference concluded with Mr. Joe McHugh, Northwest Regional Manager of the IDA giving an account of the difficulties he faces in Donegal in attracting investment into Donegal.

Ms. Meadhbh Conaghan, Northwest Regional Manager Enterprise Ireland outlined her challenges in 2009.

(d) International Local Government Convention Ireland 2009

It was unanimously agreed to note Cllr. J. Sheahan's written report on this item which was circulated.

(e) 17th Annual 2009 Kerry Environmental Recognition Conference

It was unanimously agreed to note Cllr. N. Foley's written report on this item which was circulated.

(f) Border, Midland and Western Regional Assembly Conference

It was unanimously agreed to note Cllr. P. Leahy's written report on this item which was circulated.

09.04.20.15 Opening of Tenders

- (a) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of tenders for Bituminous Overlay Requirements - Green Street, An Daingean. Closing date: Thursday, 16th April, 2009, at 4.30 p.m.
- (b) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of tenders for Road Traffic Signs/Frames, Cones, Barriers. Closing date: Tuesday, 21st April, 2009, at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. D. Kiely, it was agreed to approve the opening of tenders for Production of Bound Road Making Materials at Lixnaw Quarry. Closing date: Friday, 8th May, 2009, at 4.00 p.m.

09.04.20.16 Reception of Deputation

Residents of Lohar, Waterville

Cllr. M. Healy-Rae requested that a deputation be received from the Residents of Lohar, Waterville, regarding the Ring Road (Balleen Road). On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. R. Beasley, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

09.04.20.17 Notices of Motion

2 Staffing of Motor Tax Offices

Pursuant to Notice duly given, Cllr. S. Cosaí Fitzgerald PROPOSED:-

"Can Kerry County Council examine the staffing at the Motor Taxation Office with a view to ensuring that all booths are manned and operational during opening hours. Does an applicant who has a car registration form signed by Gardaí in Limerick have to get this form re-signed by Kerry Gardaí?"

The following report issued:

Kerry Motor Tax has a staff complement of 20.9 staff. In addition to issuing discs and driver licences at the counter, postal applications must also be processed in the back office. Currently approximately 60% of transactions are dealt with at the counter with 40% by post within the office. Great efforts are made to balance the waiting time of counter customers with the waiting time of postal applications. In 2008, performance indicators were established for the processing of applications - 86% of postal applications for motor tax were processed on the same day and 98.8% of applicants were processed within three working days. All driver licence applications by post were processed on the day of receipt in 2008. Vehicle and driver licences received by post are currently issued on date of receipt of application.

The target for dealing with counter customers is within 30 minutes in the middle of the month and within 45 minutes during the peak period at the end and start of the month when demand for the service is greatest. These targets are achieved 86% of the time for Motor Tax applications and 99% for driver licences in 2008.

Whilst every effort is being made to maintain and improve this level of service in 2009, there will be challenges given the recent directives from the Department of Environment, Heritage & Local Government on staffing. The staff have made considerable effort in recent times to promote the use of the on-line motor tax system and 32.17% of all business was done on-line in Kerry in 2008. This level of on-line business is only exceeded nationally in the Greater Dublin Area and Cork, where the level of broadband services is substantially better.

Garda signatures from any county are accepted to sign Motor tax declarations.

Cllr. S. Fitzgerald thanked management for the report. He said booths are often closed in the Motor Taxation Office and he asked that management consider staffing of that office and ensure all booths are open.

Mr. C. O'Sullivan, Director of Roads and Transportation, said in addition to dealing with issuing of discs and driver licences at the public counter, postal applications must also be processed in the back office. He said the promotion of the On-line Motor Taxation service is an important factor. Efforts are made to balance the waiting time of counter customers with the waiting time of postal applications.

Cllr. J. O'Connor said it was suggested a pilot scheme would be run in offices around the county for the Motor Taxation service. He asked that this would be considered by management and asked if it would be possible that the Motor Taxation service could be accommodated in Area offices or that staff would help customers with the online service for example in the Killorglin Area Services Centre.

Cllr. S. Fitzgerald SECONDED this proposal by Cllr. J. O'Connor.

Mayor Fleming supported Cllr. J. O'Connor's suggestion and said a pre-paid envelope is attached with Motor Tax renewal forms and use of the postal system should also be encouraged.

4 Use of prefabricated buildings in Schools

Pursuant to Notice duly given, Cllr. T. Ferris PROPOSED:-

"That this Council notes that over the past three years, the Department of Education and Science have spent €113m of public monies on the rental of prefabricated or some other form of temporary accommodation in schools.

We note that the Department is not in possession of a definitive list of all schools in the State that currently use prefabricated buildings as classrooms.

Therefore, this Council calls on the Minister to publish a list, on a county by county basis, of all schools using prefabricated buildings and to account for the €113m of public monies spent on same."

This is a matter for consideration by the members.

5 Centralisation of HSE Schemes

Pursuant to Notice duly given, Cllr. J. O'Connor PROPOSED:-

"That Kerry County Council expresses its strong opposition to the centralisation of the various HSE schemes and their relocation outside the County. Not only will this development lose jobs in the County but more importantly it will increase the distance between Health Service Officials and members of the public thereby making it easier for health officials to view people as numbers only and treat them accordingly in a stultifying bureaucracy."

This is a matter for consideration by the members.

Cllr. J. O'Connor said decentralisation of jobs from Dublin to rural areas was proposed. Administrators want to move staff from Kerry to Dublin and centralise the assessment of applications. Staff assessing medical card applications in rural areas are aware of the circumstances in the area. He expressed strong opposition to the relocation of HSE schemes outside the county.

Cllr. B. Cronin supported this motion and said there is an amount of bureaucracy in the HSE. The HSE now intends centralising medical card assessment to Dublin which will not be of assistance to people in this county.

Cllr. M. Cahill said medical card applications for over-70's are being processed in Dublin at present. All others applications are still processed in Tralee.

Mayor Fleming supported this motion and said the HSE proposal contradicts decentralisation and Kerry will lose out.

Cllr. J. O'Connor requested that a letter also issue to the Minister for Health and that this Notice of Motion would be circulated to all local authorities.

Cllr. B. MacGearailt said the HSE is bogged down with paper work and processes should be streamlined. The HSE and Department of Health should resolve this matter. He requested that a letter also issue to the Taoiseach on this matter.

7 Enforcement Proceedings on Unauthorised Quarries

Pursuant to Notice duly given, Cllr. B. Cronin PROPOSED:-

"To request:

- (a) the full details of all unauthorised quarries in Kerry where there are active enforcement proceedings and;
- (b) the identities of all quarries that Kerry County Council Roads & Water Services purchase materials from."

The following report issued:

The attached list gives details of 7 no. locations where the Planning Authority is at various stages of enforcement proceedings against unauthorised quarries. These are quarries where either no planning permission exists or where the development has not been carried out in accordance with the permission.

Under Section 261 of the Planning and Development Act, 2000, all quarries other than those with a planning permission granted within the previous 5 years from the date of the coming into force of the Section (28th April, 2004) were required to register with the Planning Authority. 99 no. quarries registered and the Planning Authority either imposed or restated and amended conditions in respect of 96 of the quarries. In relation to the remaining 3 quarries, the quarry owners were required to apply for planning permission which would be accompanied by an EIS. One operator sought and obtained planning permission subsequently while the remaining two have taken no action and the quarries remain dormant.

Over the past number of months the Enforcement Officer has been re-inspecting these quarries to verify compliance with the conditions imposed. As a result of the inspections Warning Letters have been issued to over 20 operators regarding varying levels of non-compliance (see attached list). There has been a positive response from the majority of the operators and we are working with them to have the matters resolved. However, in a small number of cases the response has not been satisfactory and further enforcement proceedings may be required.

A list is also attached identifying the suppliers of quarry material for the period January, 2008 to April, 2009. The Council has recently decided to engage in a further procurement process in relation to the supply of such material in view of the changed economic circumstances. Where persons tender for materials through this process and where the Planning Authority is not satisfied with the progress been made by them to comply with the conditions of their registration, the Finance Department intends to indicate to them our intention to discontinue the purchase of materials from such quarries unless the conditions are complied with within a period of two to three months.

List of Unauthorised Quarries - Active Enforcement Proceedings

U004/06	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	Retention permission for quarry refused by KCC. Plan Reg. 07/1622. Appealed to ABP S160 Proceedings initiated and currently adjourned pending decision of ABP
U032/07	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	Enforcement Notice 15/07/2008 Enforcement Notice 10/03/2009. Quarrying has ceased on site. Current Planning application 09/364. Decision due 10/05/2009.
U099/08	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	Enforcement Notice 11/03/2009. Site to be re-inspected shortly.
U241/07	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	Planning retention application submitted and withdrawn. Enforcement Notice 10/11/2008. Quarrying activities ceased. Site to be re-inspected.
U270/07	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	File with Co. Solicitor to initiate S160 Proceedings relating to land restoration. Quarrying activity has ceased.
U383/00	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	File with Co. Solicitor to initiate Section 160 Proceedings.
U392/05	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)	Plan permission 02/3033. Enforcement Notice 12/07/2006. Application to regularise unauthorised development expected shortly.

Registered Quarries where warning letters have been served

Quarry Reg. No.	Name of Applicant	Address of Quarry	Total Quarry Area (Ha)	Quarry Extracted Area (Ha)	Planning Authority Decision	Appeal decision	Enforcement Action/ Comments
QY002	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		1	0.5	Conditions imposed	Conditions imposed	U387/08: Warning Notice 29/10/2008
QY005	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		1.25	1	Conditions imposed	Conditions imposed	U381/08: Warning Notice 21/10/2008
QY012	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		2.05	0.8	Conditions imposed	Conditions imposed	U010/09: Warning Notice 15/01/2009
QY014	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		3.39	1.5	Conditions imposed	Conditions imposed	U288/08: Warning Notice 05/08/2008 Enforcement Notice 31/10/2008
QY022	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		6.5	2.9	Conditions imposed	n/a	U254/08: Warning Notice 07/07/2008 Enforcement Notice 07/08/2008
QY025	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		2.7	0.4	Conditions imposed	n/a	U382/08: Warning Notice 23/10/2008
QY026	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		10	1	Conditions imposed	n/a	U386/08: Warning Notice 28/10/2008
QY030	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		2	1.5	Conditions imposed	n/a	U360/08: Warning Notice 13/10/2008
QY032	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		12.9	2	Conditions imposed	n/a	U432/08: Enforcement Notice 21/11/2008
QY045	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		3.7	1.97	Conditions imposed	n/a	U380/08: Warning Notice 21/10/2008
QY047	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		18.7	2.1	Conditions imposed	n/a	U369/08: Warning Notice 15/10/2008
QY066	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		24.03	1.9	Conditions imposed	Conditions imposed	U431/08: Warning Notice 25/11/2008

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Quarry Reg. No.	Name of Applicant	Address of Quarry	Total Quarry Area (Ha)	Quarry Extracted Area (Ha)	Planning Authority Decision	Appeal decision	Enforcement Action/ Comments
QY067	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		36.4	1	Conditions imposed	Conditions imposed	U395/08: Warning Notice 31/10/2008
QY069	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		51.6	39	Conditions imposed	Conditions imposed	U455/08: Warning Notice 18/12/2008
QY076	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		6.5	1.5	Conditions imposed	n/a	U394/08: Warning Notice 06/11/2008
QY082	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		6.33	2.89	Conditions imposed	n/a	U406/08: Warning Notice 06/11/2008
QY084	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		2.5	0.5	Conditions imposed	n/a	U418/08: Warning Notice 17/11/2008
QY090 (a,b and c)	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		12.5	9.8	Conditions imposed	n/a	U419/08: Warning Notice 17/11/2008
QY096	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		4.12		Conditions imposed	Conditions imposed	U413/08: Warning Notice 13/11/2008
QY097	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		2	0.5	Conditions imposed		U371/08: Warning Notice 15/10/2008
QY112	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		43.07	16.62	Conditions imposed	Conditions imposed	U068/09: Warning Notice 12/03/2009
QY117	(Name & Address withheld for Data Protection purposes. A paper copy of these minutes can be requested)		4.72	3.98	Conditions imposed	n/a	U362/08: Warning Notice 13/10/2008

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Supplier Name	Address	Town
Michael F Quirke & Sons	Rangue	Killorglin
John A Wood Ltd.	Barnagore	Ovens
Comharcumann Naomh Fhionain Teo	Ceann Eich	Cathairsaidhbhin
Kelly Farm Mod Ltd	Knocknaboul, Ballydesmond	Mallow
Ardfert Quarry Products	Ardfert	Tralee
Murray Bros Tarmacadam Ltd	Drumlina	Dunmanway
Dan Galvin & Sons	Hardware Builders Providers	Sneem
John Riordan Concrete Ltd	Station Road	Glenbeigh
Seamus O Connor	Stone Valley House, Clydaugh, Kilcummin	Killarney
Joseph Hogan Ltd	Ballylin	Foynes
Brennans Licensed Hauliers Kilflynn Ltd	Haulier	Kilflynn
Mid Cork Tarmacadam Ltd	McSweeney Bros, Manch	Ballineen
O Keffes Rathmore Ltd	West End	Rathmore
Duggan Quarries Ltd TA Denis Duggan Sand & Gravel	TA Denis Duggan Sand and Gravel, Prospect House	Dunmanway
Quarprim Ltd TA Tralee Stone & Patio Centre	Tralee Patio & Stone Centre, John Joe Sheehy Road	Tralee
Kelly & Sons Kilpierce Ltd	Kilpierce	Enniscorthy
Farrell Brothers Plant Hire Ltd	Main St	Ballybunion
Gerard Dillon TA Dillon Plant Hire	Woodford	Listowel
O Connell Plant Hire & Quarry Ltd	Bahaghs	Cahirciveen
Tarmac Fleming Quarries Ltd	Leahill, Adrigole	Beara
James Lynch Trunking	Fahaduff	Castleisland
Ted Browne Readymix Ltd	Emalough, Lispole	Dingle
John Joe Noonan Ltd T/A Reen Stone	Minard West	Lispole
John Regan	Bunadreen, Mastergeehy	Killarney
Michael Cronin Readymix Ltd	Coolcaslagh	Killarney
Michael A Healy	Glenlarhan, Cordal	Castleisland
Peter Galwey Trunking	Fahaduff	Castleisland
Mr Michael Flaherty T/a Flahertys Hardware Ltd	Lerrig Cross, Ardfert	Tralee
Gleesk Quarries Ltd	Sneem	
Irwins	Sand and Aggregates Division, Diviny Drive, Portadown	Craigavon
MP Moran and Sons Ltd	Limerick Road	Castleisland
Costello Quarry (Products) Ltd	Ballinleeny, Coolrus	Bruree
Arkil Ltd	Graigue	Lispole
Foilmore Quarries Ltd	Coars, Foilmore	Cahersiveen

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Supplier Name	Address	Town
Allman Stone Ltd	Banemore	Listowel
O Mahoney Quarries	The Blue Horizon, Ballintobeenig	Tralee
Kerry Tarmacadam Manufacturing Ltd	Banemore	Listowel
Fernhill Stone Ltd	Fernhill Business Park	Glaslough
Dan & John O Driscoll Plant Hire Ltd	T/A O Driscoll Plant Hire, Tinnies	Valentia Island
Farrell Brothers Quarry Products Ltd	Ballybunion Road	Lisselton
O Connors Hardware & Farm Supplies Ltd	Duagh	Listowel
Daly Stone	Tureencahill	Gneeveguilla
Micheal O Grainne Teo	Ballyguin	Brandon
Quirke Builders Providers LTD	Deelis	Caherciveen
Sika Safety Killarney Ltd	Woodland Ind Park	Killarney
Buckley Quarries Ltd	Carraigcleena, Bweeng	Mallow
O Dwyer Plant Hire T/A Sandmore Ltd	Camp Cross	Tralee
T & A Randles Ltd	Upper Clontoo	Kilgarvan

Cllr. B. Cronin thanked management for the report and said he appreciated the detail provided. He requested that where enforcement proceedings have been issued to quarry owners that have not adhered to the conditions of planning, e.g. hours of opening, that such quarries be monitored to ensure adherence to planning conditions. Where enforcement proceedings are being taken against a quarry Kerry County Council should not purchase material from that quarry until planning conditions have been complied with. He asked for confirmation that this is the case. People would not have confidence in the structure if Kerry County Council were purchasing materials from these operators when they are not adhering to the criteria laid down.

Mr. M. McMahon, Director of Planning, said it is important to note that the vast majority of these quarries were pre-1964 quarries operating when Section 261 of the Planning & Development Act came into force. Section 261 sought to bring order to the quarry process and impose conditions to ensure quarries would not have a detrimental effect on the environment. Conditions, with time limits applied, were imposed and quarries had twelve months to comply. A number of decisions issued were appealed to An Bord Pleanála, a process which took approximately 12 months. Section 261 of the Planning & Development Act came into force in 2004 and quarries had approximately 12 months to make an application. Kerry County Council had a two year period to attach conditions to applications from the date of receipt of the application. The vast number of conditions were imposed on quarries in 2007. A lot of the conditions on applications went through an appeal process resulting in some applications only being determined recently. A lot of planning conditions on quarries are in place for only a short period of time. Kerry County Council commenced re-inspections towards the end of 2008 and subsequently notices have been served on quarries requesting compliance with planning conditions. Correspondence is being received from quarries relating to environmental compliance and management systems. If quarries have not complied with conditions, following the issue of this notice, further action will be taken. The Finance Department is reviewing the procurement process and liaising with the Planning Department regarding the planning status of quarries from which materials are being purchased. Kerry County Council will issue notice to quarries indicating that where there is non-compliance with planning conditions purchases will be discontinued.

Cllr. B. Cronin said he supported this ethos. Kerry County Council cannot purchase materials from these quarries as a local authority while also pursuing enforcement proceedings and enforcing planning conditions.

Cllr. J. O'Connor asked how correspondence received from quarries is verified.

Mr. M. McMahon, Director of Planning, said an application form is received with information for a quarry registration. The quarry is inspected and conditions are imposed. Kerry County Council then carries out inspections and letters issue, where necessary, following these inspections. Correspondence is being received following the issue of those letters. Where information requested was not submitted Kerry County Council will carry out further inspections and pursue the enforcement proceedings further.

Cllr. B. Cronin asked when it is proposed to terminate purchasing material from these quarries.

Mr. M. McMahon, Director of Planning, said the Finance Department are currently reviewing the re-advertisement of tenders.

Mr. J. O'Connor, Head of Finance, said re-advertisement for tenders will be published on 23rd April, 2009, with a closing date of Friday, 1st May, 2009. Following receipt of tenders a week will be taken to process tenders and then a check of those who re-priced against the quarries list will be undertaken. He said traditionally through procurement and Accounts Payable Kerry County Council have asked Planning for checks on compliance with planning. Finance will not be delaying with compliance and will only be purchasing from those quarries that are complying.

Cllr. J. O'Connor enquired about the visual impact of quarries.

Mr. M. McMahon, Director of Planning, said the registration process refers to old quarries. Visual impact is assessed within an application for a new quarry.

8 Drainage of Roads

Pursuant to Notice duly given, Cllr. M. Healy-Rae PROPOSED:-

"That management seriously reviews its policy with regard to proper drainage of all the roads within our County and seriously examines the proposal and proposition of allocating sections of road to members of Kerry County Council roadwork's staff. This system worked well in the past and would do so again."

The following report issued:

Kerry County Council has 4,714 kilometres of roads between National and Non-National network which it has to maintain. While substantial funding has been available in recent years towards the strengthening and improvement of the network, there has always been a shortfall in the required funding necessary to carry out a full and desirable maintenance programme.

The issue of drainage on our roads has been raised on many occasions by this Council. In recognition of this, a specific sum is earmarked each year for drainage works on our roads and the Roads Enforcement Officer has been very pro-active in dealing with landowners who allow surface water to flow on to public roads.

With limited resources the Council has to maximise outputs. It has been established that the combination of machinery and some labour is the most efficient method of carrying out road drainage works. New and more onerous health and safety requirements militates against the lone section worker. Furthermore, the health and safety requirements demand increased numbers of road workers to be present where strengthening and surface dressing works are taking place, leaving very few workers available for routine maintenance work except in off-season. The employment of additional road workers is not an option at this time.

Cllr. M. Healy-Rae asked why a General Operative cannot work alone as was done in the past.

Mr. C. O'Sullivan, Director of Roads and Transportation, said health and safety issues arise for lone workers and all measures are put in place to protect workers

at all times. There is also the issue of achieving efficiencies in the Road Works Programme

Cllr. P. McCarthy asked if this area have been over legislated.

Mr. C. O'Sullivan, Director of Roads and Transportation, said rewriting legislation will not be accepted by staff or government. Achieving value for money must be borne in mind in as aspects of Kerry County Council's work and greater efficiencies are being achieved with new machinery.

9 Tourism Advertising Campaign

Pursuant to Notice duly given, Cllr. M. Cahill PROPOSED:-

"That Kerry County Council ensure that Kerry maintains its position as Ireland's premier tourist County by:

- (a) Investing in a major advertising campaign on RTÉ and all relevant media within 3 weeks so as to capitalise on the home market.
- (b) By calling on all tourism interests in the County to reduce prices so as to ensure that jobs are retained and created."

The following report issued:

- (a) **The promotion of tourism in the County is primarily carried out by Fáilte Ireland South West with the support of the trade. Kerry County Council has, in recent years, supported any advertising campaign by making a contribution thereby increasing the available funding from Fáilte Ireland. Some funding has been provided in the 2009 budget toward promotion and a commitment has been given to support the marketing of Cork/Swansea ferry. The Tourism Strategy Sub-Committee of the County Development Board, which is Chaired by Mr. John Breen, Director of Service, will liaise with Fáilte Ireland South West to ensure any advertising is done in a co-ordinated fashion.**
- (b) **This is a matter for consideration by the Members.**

Cllr. M. Cahill said the economic downturn is impacting strongly on the tourism sector. He asked that Kerry County Council would contribute financially and professionally to an advertising campaign. In many areas businesses are making a contribution towards an advertising campaign. Many businesses have offered reductions in their prices. Tourism must focus on the home market.

Mayor Fleming supported the motion.

Mr. T. Curran, County Manager, said Kerry County Council will not be undertaking an advertising campaign for tourism. Fáilte Ireland and the trade know best how to market tourism. Kerry County Council has funds available to co-fund a marketing campaign with Fáilte Ireland, who have the expertise in this area. The level of funding support from the business people of Kerry was disappointing at the presentation received from Ms. Fiona Buckley, Fáilte Ireland, in January 2009. The Director of Housing and Community & Enterprise is in contact with Fáilte Ireland on this matter. The motion can be forwarded to Fáilte Ireland.

The Mayor informed elected members that Cllr. R. Beasley had withdrawn Notice of Motion No. 11.

12 An Clochán Pier

Pursuant to Notice duly given, Cllr. B. MacGearailt PROPOSED:-

"During the past 12 years, how many reports have been furnished or sought by Kerry County Council regarding An Clochán Pier. What monies have been allocated during that period and what percentage of that money has been spent on the said pier. Also what was the cost to the Council, if any, regarding the different reports."

The following report issued:

Around 1999 Kerry County Council at the request of Minister Éamonn Ó Cúiv carried out feasibility studies on 4 strategic Gaeltacht piers. Consulting Engineers were appointed in August 1999 to carry out this study at a cost of €12,700 (£10,000)

Following on from that feasibility study the consultants were appointed in 2001 to progress the development at Cé Bhréanainn and the other three piers. This required a detailed site investigation as well as a number of studies, bathymetric, hydrographic, environmental and archaeological. These studies were required for design of the project as well as for the planning approval and foreshore license application.

Roinn na Gaeltachta undertook to fund 100% of the costs of the preparation of all these studies. Since 2001, €142,901.20 has been spent on these reports.

Arising out of those studies, Minister Ó Cúiv agreed to fund four piers at Baile na nGall, Baile an Sceilg, Bun a'Bhaile & Cé Bhréanainn based upon £1m from his department and £150,000 per pier from KCC. The projects at Baile Na nGall, Baile an Sceilg, and Bun a'Bhaile were all completed. It was not possible to complete the project at Cé Bhréanainn with the funding available.

Subsequently Minister Ó Cúiv agreed to fund a pier with a capped overall cost of Cé Bhréanainn but KCC were now being asked to cover 25% of the cost (€500k). Furthermore, it was considered that the €2m allocation would not be sufficient to build the pier and address all the issues identified in the previous studies.

In 2006 a structural problem with the existing pier at Cé Bhréanainn was identified. KCC prepared an estimate to carry out urgent repairs, which were funded by Roinn na Gaeltachta. The Cost of these works was €55,000.

Cllr. B. MacGearailt asked if Kerry County Council would provide funding for these works over a 2-3 year period.

Mr. J. O'Connor, Head of Finance, said given the tremendous uncertainty about any funding at the moment Kerry County Council cannot enter into any multi-annual programmes.

Cllr. B. MacGearailt said contributions have been made for many projects where Departments funding of 75% was provided.

Mr. J. O'Connor, Head of Finance, said the Department of the Marine owe Kerry County Council funding of €4m for works at Inch, Knightstown and other piers. He said this is an area within Kerry County Council's programme of works where he has expressed concern regularly. Unfortunately Kerry County Council cannot assist on this project in the near future.

Cllr. M. Healy-Rae asked what the monies owed by the Department of the Marine are costing Kerry County Council every year.

Mr. J. O'Connor, Head of Finance, said it is costing Kerry County Council in terms of cash flow and if Kerry County Council is pressure for water or waste water projects it will hamper progress. There is an opportunity cost for Kerry County Council.

15 HSE Property in Killarney Town

Pursuant to Notice duly given, Cllr. D. Healy-Rae PROPOSED:-

"That we the Members ask the HSE to account for property rented by them in Killarney Town and to ask them instead to utilise their own property in St. Finians and St. Columbanus Home to serve the elderly of the greater Killarney catchment area".

This is a matter for consideration by the members.

Cllr. D. Healy-Rae sought support from the elected members on this issue and said properties in the ownership of the HSE should be used rather than renting. He asked that a letter issue to the HSE decrying what they are doing at present.

Cllr. T. Ferris said she could not support the motion as it is written and said she would prefer if this was changed to ask the HSE to explain why they are not using the buildings. The buildings in question may not be suitable for the purpose they are required.

Cllr. M. Cahill said a number of years ago it was decided that St. Finian's would be closed and suitable patients would be integrated into the community.

Mayor Fleming said he had a motion at the last Regional Health Forum – South meeting regarding this issue which was brought to the attention of elected members by concerned staff. The total annual cost of HSE rental accommodation is €162,085 for health based services. The HSE is currently engaged in a process for the development of a primary care centre on the grounds of St. Finian's Hospital. This, however, is a long term plan. He supported Cllr. D. Healy-Rae's motion. The HSE should re-examine this issue with a view to offices being relocated within their existing properties.

Cllr. D. Healy-Rae agreed that the letter to issue to the HSE would have revised wording as follows: "That we the members ask the HSE to account for property rented by them in Killarney town and to ask them to explain why they are not using their own property".

17 Budget Cuts imposed on Schools in Kerry

Pursuant to Notice duly given, Cllr. B. Cronin PROPOSED:-

"That this Council call on Minister Batt O'Keeffe to reverse the cuts imposed on schools in Kerry and that all Kerry TDs vote against any proposed further cuts."

This is a matter for consideration by the members.

18 Valuation of Single Rural Cottages and Local Authority Houses

Pursuant to Notice duly given, Cllr. M. Healy-Rae PROPOSED:-

"There is an enormous anomaly in the amount of money being charged at present by Kerry County Council for single rural cottages or houses in housing estates which are being proposed to be bought out by their tenants. This is very unfair and causing great distress to people seeking to buy their property from the Council."

The following report issued:

Under the terms of the 1995 Tenant Purchase Scheme, tenants are entitled to various discounts off the market value of the house when calculating the purchase price of their rented dwelling. The various standard discounts that apply include 3% Tenancy Discount for each year of tenancy up to a maximum discount of 30%; €3,809 which is equivalent to the old First Time Buyers Grant; and if appropriate, a value determined by the valuer in respect of improvements carried out by the tenant which add to the Market Value of the property. Also, in the case of Single Rural Cottages, if the tenant provided the site to Kerry County Council they receive a discount for the site value which is determined by the valuer. Therefore, in some instances because a tenant of a Single Rural Cottage receives a Site Value Discount this would result in a lower purchase price to the purchaser rather than a house being sold to the existing tenant within a housing estate.

With effect from the end of March 2009, all tenant purchase applications are now being referred to our own Property Manager who will be determining the market value of the property. All perspective tenant purchasers can request that the valuations of their rented properties be referred to the Valuations Office if they are not satisfied with the valuation as determined by the Council.

Cllr. M. Healy-Rae said prices for Single Rural Cottages and houses in housing estates have not changed. In the current market applicants for these houses are being over charged. The Property Manager should take into account the fact that if a private individual is selling a property now there would be a reduction of price from last year. This should also be reflected in prices for Single Rural Cottages.

Mr. L. Quinlan, A/Director of Housing, said the reply to the notice of motion outlines why the value of Single Rural Cottages is less than houses in estates. Under the terms of the Tenant Purchase Scheme the local authority is obliged to take into account market prices of the property. Applications on hand do reflect current market value.

20 Community Childcare Sector

Pursuant to Notice duly given, Cllr. T. Ferris PROPOSED:-

"The Council calls on the Minister for Children and Youth Affairs to begin negotiations with Community Childcare Workers through their Union, SIPTU in order to address the real and immediate issues facing the community childcare sector."

This is a matter for consideration by the members.

Cllr. T. Ferris said employment grants were made available to Community Childcare Facilities which made child care affordable for those who needed it to be so. That has now changed with a number of difficulties arising. The lives of the workers themselves are seriously affected by this. Childcare workers no longer have the certainty they used to and it affects their ability to obtain a mortgage. Entitlements to sick leave are also affected. For users of the services there has been a tripling of costs. This is an obstacle for women on low income who wish to stay at work or return to work. She asked the elected members to support this issue and requested that this notice of motion be circulated to all local authorities.

Cllr. M. Cahill supported the motion and said the retention of grants and support of childcare facilities is very important. He welcomed the Pre-school Early Childhood and Education Scheme announced in the recent budget.

Cllr. S. Fitzgerald said he is involved with a Childcare Community Group and it is very difficult for this group to meet the wages bill. The group must pay bills in arrears and in seeking a bridging loan the banks are not always facilitating. The department should address this matter. He also welcomed the Pre-school Early Childhood and Education Scheme.

Cllr. J. O'Connor supported the motion.

Cllr. B. Cronin supported the motion and said this is a valuable service for families.

Mayor Fleming supported the motion and said payments to the childcare sector should be streamlined and appropriate sums of financial aid should be paid in a timely manner.

21 Designations under the Habitats Birds Directive and Wildlife Act

Pursuant to Notice duly given, Cllr. J. O'Connor PROPOSED:-

"A lot of Kerry is now designated under the Habitats Birds Directive and Wildlife Act. Can the Manager provide the cumulative percentage of each Electoral Area in Kerry now designated and can a copy of the relative science be made available. Also, what are the cost implications of the latest designation for the fresh water pearl mussels. In the last few days the Owenmore, Owenreagh, Upper and Lower Caragh, Cumberagh, Blackwater and the Owenagappul River catchment in Kerry were designated. These plans indicate restrictions in relation to roads and bridges construction and maintenance, also the treatment of sewage and water abstraction. Can the Manager outline the effects of these plans on the Council's programme as they are also listed in the Water Framework Directive Sub Basin Plan. What are the complications if adopted in the Kerry County Development Plan."

The following report issued:

Designation of sites under the various Directives listed in the Notice of Motion is the responsibility of the National Parks & Wildlife Service (NPWS) of the DoEHLG. We have been in contact with the NPWS and, while they do not have a detailed breakdown of the cumulative percentage of areas designated on an electoral area basis, they have informed us that approximately 14% of the terrestrial area of the County is currently provisionally designated. These designations relate to a broad range of habitats and species. There are 56 different scientific site synopsis reports relating to designated sites within County Kerry and we can source copies of some, or all of these, directly from the NPWS should Councillors require. The designation process for the Freshwater Pearl Mussel has been on-going since the late 1990s and, while a number of catchments in County Kerry have been designated as candidate Special Areas of Conservation for the Pearl Mussel (under the Habitats Directive), we understand that they have not as yet been formally designated by the EU. Draft Sub-Basin Management Plans were recently published for consultation purposes by the NPWS for each of the 27 Pearl Mussel catchments in Ireland (6 of which are in County Kerry). A deadline of the 22nd June has been set for submission of comments and it is our intention to make a formal submission on the matter. Given the fact that these plans are only at draft stage, it would be very difficult to accurately assess their full implications at this point in time, however, we will obviously look at this issue as part of our submission preparation.

All waste water discharges will be licenced in accordance with the provisions of the Waste Water Discharge (Authorisation) Regulations 2007 and since no licence was yet granted to Kerry County Council it is not yet possible to judge what restrictions, if any, will be imposed by this designation.

All proposed water abstractions will be dealt with on a case by case basis and only then can any restriction be assessed.

Cllr. J. O'Connor said this Directive designates a sizeable area of the county and will be a cost not only to farmers in the area but also to the local authority in relation to monitoring. There is also an issue regarding the use of lime aggregate by the local authority. The impact of fish and salmon on the fresh water pearl mussel is not being considered. If this is incorporated into Kerry's County Development Plan the restrictions and costs for the county will be incredible. Much of the Directive relates to incorporating studies to monitor different areas as it is not known why there is a decline in the presence of the fresh water pearl mussel. This Directive will bring an end to forestation in the county. Kerry County Council must make a further submission against this Directive. He asked for the support of the members on this issue.

Mayor Fleming seconded the motion.

Mr. D. O'Connor, A/Director of Environmental Services, said the national approach in implementing the Water Framework Directive is to first implement River Basin Plans. Secondly, to zone in on particular discharge points such as waste water treatment plants and forestry and thirdly implement Sub-Basin

Management Plans for each of the 27 Pearl Mussel catchments in Ireland (6 of which are in County Kerry). The Draft Management Plans for Freshwater Pearl Mussel on the NPWS website provide a generic list of actions that maybe imposed on sites once they are identified.

23 Release of Mortgages from Fixed Interest Rates

Pursuant to Notice duly given, Cllr. D. Healy-Rae PROPOSED:-

"That we the Members of Kerry County Council ask the Department of Finance to intercede with the banks on behalf of hard-pressed people with mortgages who are locked into a fixed rate situation. Interest rates have dropped significantly and personal incomes have also been reduced, indeed many young people and couples are out of work. The Government should now compel the lending institutions to allow people the facility of a variable rate."

This is a matter for consideration by the members.

24 Awakening the West - Overcoming Social and Economic Inequality Report

Pursuant to Notice duly given, Cllrs. T. Ferris & R. Beasley PROPOSED:-

"That Kerry County Council welcomes the report of the Oireachtas Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs entitled "Awakening the West - Overcoming Social and Economic Inequality". We call on the Government to bring forward proposals for the implementation of the recommendations of this report."

This is a matter for consideration by the members.

25 Rossbeigh Spit

Pursuant to Notice duly given, Cllrs. M. Cahill & P. O'Donoghue PROPOSED:-

"What measures does Kerry County Council propose to carry out to protect the sand spit at Rossbeigh".

The following report issued:

In my response to a Notice of Motion at the January Meeting it was outlined that the Council had preliminary discussions with representatives from the National Parks and Wildlife Service, who have visited Rossbeigh since the breach occurred in the sand dunes. They expressed the view, shared by Kerry County Council, that the processes taking place were a natural phenomena.

Before any consideration could be given to preparing a Coastal Protection Management Plan, a study would be required of the off-shore natural forces involved in the changes to the spit over past years, which would include wave climate studies, sediment transfer analysis and an analysis why the shoaling coefficients have altered at this location. We consulted, with a number of bodies, to identify the benefit and cost of such studies. We were advised that the costs of these studies would be expensive and any proposals for coastal protection works at this location would be technically very difficult and expensive.

No funding has been provided to date for coastal protection measures and we have been unable to establish from the OPW if funding will be made

available this year. Given the current economic difficulties, if funding was provided for coastal protection measures in 2009, our initial priority would be for the recovery of the cost of the emergency coastal protection works at Inch and any protection measures required for critical public infrastructure, such as our strategic coastal roads.

26 Water Mains Pipe from Beaufort Bridge

Pursuant to Notice duly given, Cllrs. J. O'Connor & J. Sheahan PROPOSED:-
"We are calling on Water Services of Kerry County Council to replace the water mains pipe, which is about 150 metres long, from Beaufort Bridge to the concealed Cross on the main Killorglin to Killarney Road as it has burst four times in the last year."

The following report issued:

This area is served by the Mid-Kerry Regional Water Supply Scheme. There have been a number of incidences of burst pipes on this 200mm A.C. pipeline in the recent past. The replacement of these pipes may not solve the problem.

In trying to find the reason for these breaks, the Water Services staff have been closely checking the water usage patterns in the network. It appears that the bursts have coincided with short and unusually high increases in usage of water at night in the area. The 'surge' caused by these sudden 'spikes' in usage may be the cause of the breaks and this is currently being investigated by the placing of logging / monitoring equipment at various locations on the network. When the cause of these bursts is more clearly identified in the coming weeks, the solution will then be pursued.

Cllr. J. O'Connor said these works cost the council every time there is an incidence of a burst pipe. He called on the local authority to address the issue.

Cllr. M. Cahill supported this motion. There was a landslide at this area and local residents are concerned about this area. He asked that this situation would be investigated as it is a serious matter.

Cllr. M. Healy-Rae thanked the engineers who attended the landslide on the night that it happened.

27 Prices paid to Farmers for Milk

Pursuant to Notice duly given, Cllrs. D. Healy-Rae & M. Healy-Rae PROPOSED:-
"To ask Kerry Co-op to pay farmers of Kerry a fair price for milk considering their recent announcements of profits by their multi-national companies all over the world. After all, it was the farmers of Kerry that put them on the road."

This is a matter for consideration by the members.

09.04.20.18 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. D. Healy-Rae, it was agreed to authorise the attendance of Cllrs. B. O'Connell, M. O'Shea and T. Fleming at the National Housing Conference 2009 on the theme "Readjustment, Resilience, Resurgence" to be held in Sligo from 27th-28th April, 2009.

Cllr. B. O'Connell was nominated to report to Council on this conference.

- (b) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Cllrs. B. O'Connell, J. Brassil and M. O'Shea at the Third Sector Forum Seminar on the theme "Ireland at the Crossroads – Economy, Europe and Emigrants, the response of Local Government", to be held in Cork from 30th April - 2nd May, 2009.

Cllr. M. O'Shea was nominated to report to Council on this conference.

- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. B. O'Connell and C. Miller at the Sherkin Island Marine Station, 25th Annual Environmental Conference to be held in Carrigaline, Co. Cork from 7th-8th May, 2009.

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

- (d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. B. O'Connell, J. Brassil, M. O'Shea, C. Miller, J. Sheahan and T. Fleming at the Mental Health Ireland Annual Conference on the theme "Making Service Users the Priority" to be held in Athlone from 15th-17th May, 2009.

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

- (e) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Cllr. T. Fleming and Cllr. J. O'Connor at the Public Consultation – Draft River Basin Management Plans. Water Matters "Help us Plan!" to be held in Killarney on Tuesday, 12th May, 2009.

- (f) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Cllr. R. Beasley at the Annual Joint Conference of the Library Association of Ireland and Cilip Ireland to be held in Belfast from 29th April - 1st May, 2009.

- (g) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the attendance of Mayor T. Fleming at the Effective Communication for Councillors Seminar held on 30th January - 1st February 2009 at the Clonea Strand Hotel, Clonea, Dungarvan, Co. Waterford.

- (h) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. McCarthy, it was agreed to approve the attendance of Mayor T. Fleming at the Mid-West Regional Authority Annual Conference 2009 on 19th & 20th February 2009 at the Woodlands Hotel, Adare, Co. Limerick.

- (i) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the attendance of Mayor T. Fleming at the Freedom of Information Seminar for Councillors on 20th & 21st February 2009 at the Patrick Punch Hotel, Limerick.

- (j) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the attendance of Mayor T. Fleming at Understanding Hospital Radio/The Irish National War Memorial: 1919 to 2009 Training Seminar on 27th & 28th February 2009 at the Green Isle Hotel, Dublin.

09.04.20.19 Correspondence General

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

1.	Letter dated 27 th February, 2009, from the Minister for the Housing, Urban Renewal and Developing Areas regarding the introduction of a mortgage security package.
2.	Letter dated 3 rd March, 2009, from the Minister for Finance regarding the use of taxpayer's funds in the banking sector.
3.	Letter dated 11 th March, 2009, from the Minister for Justice, Equality and Law Reform regarding Local Policing Fora.
4.	Letter dated 16 th March, 2009, from An Bord Pleanála in relation to telecommunication masts and the Kerry County Development Plan.
5.	Letter dated 18 th March, 2009, from the Minister for Justice, Equality and Law Reform regarding the allocation of Garda resources.
6.	Letter dated 19 th March, 2009, from the Minister for Social & Family Affairs regarding the non-reduction of social welfare payments.
7.	Letter dated 23 rd March, 2009, from Mr. John O'Donoghue, TD, Ceann Comhairle, regarding Castleisland By-Pass.
8.	Letter dated 25 th March, 2009, from Senator Ned O'Sullivan regarding Castleisland By-Pass.
9.	Letter dated 27 th March, 2009, from the Minister for Transport regarding Castleisland By-Pass.
10.	Letter dated 30 th March, 2009, from Minister of Transport to Deputy Thomas McEllistrim regarding Castleisland By-Pass.
11.	Letter dated 31 st March, 2009, from the Minister for Finance regarding the introduction of a special tax relief for tourists.
12.	Letter dated 1 st April, 2009, from Minister for Agriculture, Fisheries and Food regarding payment to farmers for their produce.
13.	Letter dated 7 th April, 2009, from Eircom Limited regarding public payphones.
14.	Letter received from Minister for Community, Rural and Gaeltacht Affairs on 7 th April, 2009, regarding minute of silent reflection on Sunday, 17 th May, 2009, in memory of all those who suffered loss during the Great Famine.
15.	Report from Director of Planning in relation to a proposed Bats Survey on bridges in Mid & East Kerry and a Hedgerow Survey in North Kerry.
16.	Letter received from the Department of the Environment, Heritage & Local Government regarding Public Consultation on Draft Management Plans for Freshwater Pearl Mussel.
17.	Letter dated 26 th February, 2009, from Monaghan Town Council regarding resolutions adopted by that authority: (1) Calling on the Minister for Finance to reduce the current VAT rate. (2) Rejecting outright the proposed reintroduction of across the board third level fees. (3) Calling on Phonographic Performance Ireland (PPI) and Irish Music Rights Organisation (IMRO) to ensure fees levied on shopkeepers are not done in duplication for the same service.

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18.	Letter dated 3 rd March, 2009, from Longford Town Council regarding a resolution adopted by that authority calling that the Rural Development Programme 2009-2013 administering the Leader and Social Inclusion Programmes through the joint Leader Partnership Development Companies be amended to allow funding from Local Authorities be considered as matching funding for all projects under the programme.
19.	Letter dated 4 th March, 2009, from Limerick County Council calling on the Minister for Agriculture, Fisheries and Food to keep Pallaskenry Agricultural College in County Limerick open.
20.	Letter dated 6 th March, 2009, from Nenagh Town Council calling on Government to maintain investments in Primary Education, to avoid increasing class sizes at primary level and to ensure that the educational opportunities of children are protected.
21.	Letter dated 13 th March, 2009, from Limerick County Council calling on the Government to introduce appropriate legislation to ensure that the overheads faced by small businesses are curtailed.
22.	E-mail dated 18 th March, 2009, from New Ross Town Council calling on the Minister for the Environment, Heritage and Local Government to publish legislation as soon as is practicable to amend the Planning & Development Acts 2000-2006, Section 42(3)(b), to the effect that the appropriate period for planning for a planning permission fully granted is extended to 8 years.
23.	Letter dated 24 th March, 2009, from Killarney Town Council calling on the Government to reject the proposal to allow Gaming Machines in Bookmakers Shops.
24.	Letter dated 25 th March, 2009, from Monaghan Town Council condemning the Government's proposal to abolish Early Immersion (Tumoideachas) Education and cuts to support for summer courses in Irish colleges in the Gaeltacht.

Votes of Sympathy

The following Votes of Sympathy were noted from the Vote of Sympathy book.

- (a) Vote of Sympathy to be expressed to the Family of Ms. Gráinne Foley (nee).
- (b) Vote of Sympathy to be expressed to the Family of Mr. Pat Jones.
- (c) Vote of Sympathy to be expressed to the Family of Mr. Timmy Brennan.
- (d) Vote of Sympathy to be expressed to the Family of Mr. Paddy O'Brien.
- (e) Vote of Sympathy to be expressed to the Family of Senator Tony Kitt.

The meeting concluded at 4.40 p.m.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry