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MINUTES OF THE SPECIAL MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT OF KILLARNEY HELD IN THE TOWN HALL, KILLARNEY ON WEDNESDAY 10th DECEMBER, 2014.

MIONTUAIRISCÍ DE CHRUINNIÚ SPEISIALTA DE COMHAIRLE CHEANTAR BARDASACH CHILL ÁIRNE A THIONÓLADH I HALLA AN BAILE CHILL ÁIRNE AR AN CEADAON 10ú NOLLAIG, 2014.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

Cllr. B Cronin	J.J. Culloty
M. Gleeson	D. Grady
D. Healy Rae	N. Kelleher
J. Sheahan	

Absent/As Láthair Cllr. B O'Connell

In attendance/i láthair

Mr. J. Breen	Delegated Executive for the MD of Killarney
Mr. G. O'Brien	Meetings Administrator
Ms. S Broderick	SO

The meeting commenced at 10.00am

At the outset, Cathaoirleach, Cllr. JJ Culloty extended his sympathy to Cllr. D Healy Rae on the death of his father Jackie former Chairperson and member of Kerry County Council and Independent TD for South Kerry.

Cllr. M Gleeson offered his condolences to Cllr. D Healy Rae and his family and said that Jackie's heart was always with Kerry County Council and he regretted that he had to leave when the dual mandate was abolished. He will be sadly missed in the political and social life of the area where he served for decades.

Cllr. B Cronin extended his sympathy Cllr. Cllr. D Healy Rae and his family. He said that both he and his father had been colleagues of Jackie on Kerry County Council for many years. The large attendance at his funeral in Kilgarvan was a testament to the esteem in which he was held.

Cllr. N Kelliher extended his sympathy to Cllr. D Healy Rae and his family and said that while he was a child at the time, he has fond memories of the 1997 general election when Jackie was first elected to the Dáil.

Cllr. J Sheahan offered his sympathy to Cllr. D Healy Rae and his family. He said that Jackie Healy Rae was a staunch representative of the people of South Kerry and he has raised the political bar for all politicians.

Mr. J Breen said that on his own behalf and on behalf of management and staff of Kerry County Council he would like to extend sincere sympathy to the Healy Rae family on the death of Jackie who he said was passionate about Kerry and gave an enormous public service to the people he represented.

Cllr. D Healy Rae thanked the members, management and staff of Kerry County Council for their support and kindness during this sad and difficult time for his family. He also thanked all the people who travelled to Kilgarvan to attend his fathers funeral and in particular all the people who helped with traffic management in Kilgarvan for the duration of the funeral.

14. 12. 10.01 Purchase of land for the provision of a new Burial Ground for Killarney.

Mr. J Breen said that in accordance with Schedule 10 of the Local Government Act 2001, a Special Meeting of the Municipal District of Killarney has been requested by all the members to consider the under mentioned item concerning the purchase of land for the provision of a Burial Ground in Killarney.

“In light of the ongoing current crisis situation regarding the purchase of the private cemetery in Aghadoe by the Council, we the members are requesting an emergency meeting of the Municipal District of Killarney solely to address the following issues. The notice request for a Special Meeting was as follows:

1. To seek clarification on the purchase of these lands at Aghadoe and get answers from management as to why this deal has not been finalised in the past seven months.
2. Examine alternative options for a public cemetery which can address the long term requirements for the Killarney area and it's hinterland.
3. To formally agree suitable options to be pursued”.

Cllr. B Cronin thanked management of Kerry County Council for facilitating a Special Meeting. He said he had requested a Special Meeting as the issue of the purchase of land for the provision of a new burial ground for Killarney and it's environs has been ongoing for a considerable length of time. The replies which were received to notices of motion submitted by members indicated that a number of options were being examined. He said that families had been left with difficult decisions about where to bury loved ones, when informed that the public burial ground in Aghadoe was at full capacity.

Mr. J Breen said that Kerry County Council has never stated that there are no burial spaces in the public burial ground in Aghadoe. In excess of 100 spaces have been identified and based on projected need this should be adequate for approximately two years. The Council is in active negotiations to provide a new burial ground for Killarney. Currently there are nine options being examined. All options are being considered but no agreement has been reached. Securing a suitable site for a burial ground is a sensitive matter and there are a number of factors to be taken into consideration. He said that Kerry County

Council is in discussions with the company that owns the private lawn cemetery in Aghadoe and emphasised that no agreement has been reached. Any agreement would be subject to the approval of the Chief Executive of Kerry County Council. It is not the practice of Kerry County Council to discuss purchase options in a public forum. Mr. Breen said that Kerry County Council has always maintained an excellent working relationship with the members and he is available to brief them with regard to any queries they may have.

Cllr. B Cronin referred to Mr. Breen's statement that "Kerry County Council never stated that there are no burial spaces in the public burial ground in Aghadoe" and said that he was in possession of a copy of a letter from Kerry County Council to O'Sheas Funeral Home Ltd. dated 29th May 2008, which stated that "there are no new plots available in Aghadoe Burial Ground". He said that he had been contacted by a family who were angry and upset when they learned that there were 100 spaces available in the public burial ground in 2014 while there were none in 2008. He said that there is a requirement on the Local Authority to apologise to the families who were told that no further spaces were available. He said that the option of the purchase of the private cemetery in Aghadoe is not in effect the provision of a new burial ground as it is a private cemetery owned by Aghadoe Private Burial Ground Ltd. which was dissolved in 2011. If approximately half a million euro is to be spent on the provision of a burial ground the Local Authority should consider an area of land which will be adequate for future need. In his opinion the site at Aghadoe will not serve this purpose and it is important that value for money is considered.

Cllr. Cronin went on to say that he understood that in June 2014 a landowner in Knockeenduve offered to sell a portion of land for which he had previously outbid Kerry County Council at auction. No progress has been made with regard to this option to date. In November 2013 he had tried to initiate discussions between the Council and the Health Service Executive (HSE) regarding land owned by the HSE at St Finians hospital Killarney. He also acknowledged Cllr. M Gleeson's efforts to acquire land in Muckcross which is in the ownership of the NPWS.

He said that he has serious concerns regarding the purchase of the private lawn cemetery in Aghadoe and PROPOSED that Kerry County Council withdraws all offers made, with regard to this land.

Cllr. M Gleeson acknowledged that it is not appropriate for all the options to be discussed in a public forum. However, it is very important that all options are examined and it is incumbent on Kerry County Council to purchase the best available site. He said that he bitterly regretted that no progress has been made with regard to the acquisition of the land in Muckcross owned by the NPWS. This land is on the left hand side of the road and would not be recognized as part of the national park. It is regrettable that the NPWS does not have the foresight to acknowledge that burial grounds have the potential to attract visitors to Killarney, into the future. He welcomed that there are 100 spaces available in Aghadoe public burial ground and hoped that these spaces were located where dignity and respect would be afforded to the deceased and their families. While he respects the need for confidentiality he

asked that the acquisition of the land required would be pursued with renewed vigor.

Cllr. D Grady said that as a member of the former Killarney Town Council, he was involved in the identification of suitable land for the provision of a burial ground in Killarney. In his view it is vital at this stage that Kerry County Council would proceed with the purchase of the private burial ground in Aghadoe as many families whose loved ones are buried in the private cemetery would like to see it being acquired by the Local Authority. The option of the purchase of land which was offered for sale in Knockeenduve should also be considered.

Cllr. J Sheahan said that the Local Authority is currently at crisis point with regard to the provision of a burial ground in Killarney. A decision must be made to acquire land that will allow for the provision of burial spaces for decades into the future.

Cllr. N Kelleher said that it is unfortunate that families were advised in 2008 that there were no more burial spaces available in the public burial ground in Aghadoe. He said that he was not comfortable with discussing issues concerning vendors in a public forum but emphasised that all options must be examined with a view to acquiring the best available site. If management of Kerry County Council consider that the purchase of the private cemetery in Aghadoe is good value for money they should not rule out this option. He reiterated that all options must be carefully considered with a view to resolving this matter as soon as possible.

Cllr. D Healy Rae said that one of the first notices of motion submitted by him following his co-option to Kerry County Council in 2003 was in connection with the provision of a new burial ground in Killarney and he is very disappointed that no progress has been made in the interim. He said that he has made a number of suggestions to management in confidence concerning suitable land which may be available for sale as it is important to respect the privacy of potential vendors and discussing such matters in public is not helpful. He was critical of management of Kerry County Council for having made a bid for land at a public action and said that it would have been more appropriate to have engaged a solicitor to act on their behalf.

Cllr. Healy Rae raised the following issues, should the purchase of the site in Aghadoe by the Council go ahead, (a) will the existing private cemetery be taken in charge by Kerry County Council?, (b) will there be adequate land remaining for the owner to continue operating a private cemetery?

Cathaoirleach Cllr. JJ Culloty said that the people of Killarney want a public burial ground to be provided and value for money must be considered. He suggested that a timeframe from today until 19th January 2015 be given for a decision to be made on the purchase of suitable land.

Cllr. B Cronin referred to the remarks of the previous speakers regarding confidentiality and the privacy of land owners and said that he had been given permission to use this information and the owner of the land referred to had

made a statement to the media. He said that he too is aware of a number of suitable sites and there is no evidence that Kerry County Council is actively pursuing the purchase of land for the provision of a burial ground. He asked if any member was prepared to SECOND his proposal.

Mr. J Breen said that a special meeting had been requested by the members and the issues discussed were a matter for them. Up until the reorganisation of the Local Authorities in June 2014, responsibility for burial grounds came within the remit of Water Services therefore, he was not aware of the letter to O'Shea's Funeral Home Ltd. He apologised sincerely to all the families who had been advised that no new burial plots were available in the public burial ground in Aghadoe and undertook to issue a letter of apology to all concerned.

Mr. Breen said that as Killarney Town Manager and now as Director of Services with responsibility for burial grounds he is actively pursuing the acquisition of suitable land for a burial ground in Killarney. He gave a commitment that all the options would be considered and no agreement would be entered into until the members would be updated at the Killarney Municipal District meeting on 28th January 2015. He acknowledged the concerns of the members regarding adequate provision for future need and reiterated that there is no agreement in place for any of the options.

Cllr. M Gleeson referred to the 800 spaces in the private cemetery in Aghadoe and asked if this is the maximum number of internments that could take place. Mr. Breen clarified that two internments may be made in each plot.

Cllr. B Cronin said that he is disappointed to have received information from members of the public regarding this matter, which he, as a member of Kerry County Council, had not been informed of. He asked if families who have paid up to €3,000 for a burial plot in the private cemetery will be reimbursed if the land is purchased by Kerry County Council as burial plots in the public cemetery cost approximately €1,000.

Mr. J Breen said that in his opinion a reimbursement claim would not be successful in this case.

Cllr. B Cronin said that he anticipated that this would be a cause of upset for many families and reiterated his PROPOSAL that Kerry County Council withdraw from the option of the purchase of the private cemetery in Aghadoe.

The proposal was not seconded.

Cllr. D Grady said that many families who have loved ones interred in the private cemetery would be in favour of it being taken in charge by Kerry County Council and subsequently becoming a public burial ground.

Cllr. D Healy Rae asked if the option of the purchase of the private cemetery included the land adjacent to the existing private cemetery.

Mr. Breen said that this option did not include the entirety of the land.

Cllr. D Healy Rae said that he would be concerned about this matter.

Cllr. M Gleeson asked that Cllr. B Cronin would consider withholding his proposal until this issue is discussed at the Killarney Municipal District meeting on 28th January, 2015.

In compliance with Standing Orders, all members agreed to meet in committee to discuss this matter in advance of the Killarney Municipal District meeting on 28th January, 2015 between 10.00am and 10.30am.

Cllr. B Cronin thanked the members who supported his request for a Special Meeting to consider this matter and management of the Killarney Municipal District for facilitating the request.

14.12.10.02 Staff changes for Killarney Municipal District.

Mr. J Breen said that as Mr. D Doyle had been promoted to A/Senior Engineer, Operations Health & Safety his position as Senior Executive Engineer for the Killarney Municipal District will be filled by Mr. P Neary SEE. Ms. N O'Sullivan Administrative Officer has been appointed in a supporting/co-ordinating role to the Killarney and South and West Kerry Municipal Districts.

Cathaoirleach Cllr. JJ Culloty welcomed the new appointments and said that he would like if Ms. O'Sullivan could be based in Killarney.

Cllr. D Grady asked that the contact details of all relevant staff for the Killarney Municipal District would be compiled and forwarded to the members.

Mr. J Breen undertook to prepare a list of contact details and forward same to the members of the Killarney Municipal District as requested.

The meeting concluded at 11.30am.

Mr. G. O'Brien

Meetings Administrator

Cathaoirleach of the MD of Killarney