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***MINUTES OF THE SPECIAL ROADS MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBERS, ARAS AN CHONTAE, TRALEE ON MONDAY,
5TH MARCH, 2012.***

***MIONTUAIRISCÍ AN CHRUINNITHE SPEISIALTA BÓITHRE DE CHOMHAIRLE
CONTAE CHIARRAÍ A TIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN, 5 MÁRTA 2012.***

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

**R. Beasley
T. Buckley (Mayor)
P. Connor-Scarteen
J.J. Culloty
T. Ferris
S. Cosai Fitzgerald
M. Gleeson
D. Healy-Rae
P. Leahy
A. McEllistrim
T. O'Brien
P. O'Donoghue
L. Purtill
G. Wharton-Slaterry**

**J. Brassil
M. Cahill
B. Cronin
P.J. Donovan
J. Finucane
N. Foley
M. Griffin
J. Healy-Rae
P. McCarthy
B. Moynihan-Cronin
B. O'Connell
M. O'Shea
J. Sheahan**

IN ATTENDANCE/I LÁTHAIR

**Mr. T. Curran, County Manager
Mr. F. Hartnett, S.E.E.
Mr. J. Flynn, Director of Corporate Affairs
Mr. J. Breen, Director of Housing &
Community and Enterprise
Ms. M. West, A.O.
Ms. G. Collins, A.S.O.
Ms. L. Egan, C.O.**

**Mr. G. MacNamara, S.E.
Mr. P. Teahan, A/S.E.E.
Mr. G. O'Brien, S.E.O. Corporate Affairs**

APOLOGIES/

**Mr. C. O'Sullivan, Director of Services, Roads, Transportation & Safety
The meeting commenced at 10.40a.m.**

Cllr. T. Buckley, Mayor, commenced the meeting.

At the outset Mr. Ger O'Brien, A/S.E.O. Corporate Services sought approval from Members regarding the attendance at two Conferences, outlined as follows;

- (a) Cllr. Bobby O'Connell to attend the Conference on "Building Community Preparedness and Resilience: An International, National and Local Perspective Seminar to be held on 9th March, 2012 at the Malton Hotel, Killarney". On the PROPOSAL of Cllr. Jim Finucane and SECONDED by Cllr. Anne McEllistrim approval was given.
- (b) Cllr. Tim Buckley (Mayor) to attend the Conference the "Kerryman Association 60th Annual Dinner – 2012 Kerry Person of the Year Award to be held at the D4 Berkley Hotel, Lansdowne Road, Dublin 4 on Friday 2nd March, 2012". On the PROPOSAL of Cllr. Norma Foley and SECONDED by Cllr. Jim Finucane approval was given.

Members extended a note of sympathy to (Name withheld for Data Protection purposes. Paper copy available on request) on the recent passing of her husband, Mr. Michael Brown, who was a former Killarney Area Engineer.

Members also extended a note of sympathy to Cllr. Culloty on the recent passing of his mother in law.

Item 1. Consideration of the Road Works Programme 2012

Mr. Ger MacNamara, S.E. gave apologies from Charlie O'Sullivan, Director of Service, as he is unable to attend this morning's meeting. Members were advised that the Listowel Bridge features on the cover of the Roads Programme 2012. Mr. MacNamara outlined the Programme of Works for National Primary Routes, National Secondary Routes and for the Non-National Road Network as set out in the Roads Programme 2012, which was circulated to members. He pointed out that the funding for National Primary & National Secondary Routes was €41m an increase of €7.1m on the 2011 allocation (It was noted that €25m was allocated towards the Tralee By-Pass and €9.5m towards the N86 and N69 (contracts have been awarded to Noel Regan & Sons Ltd. and Allman/Mid-Cork Tarmacadam respectively) to allow construction to be completed in 2012). It is regretted that no funding was made available for the N22 in 2012 due to the suspension of major schemes countrywide, a reduction in allocations and there is uncertainty surrounding when funding will be made available again. The allocation for Regional and Local Roads is €16.15m.

Members were advised that no funding was made available for Local Improvement Schemes in 2012; the matter will be discussed further under Item 2 on the Agenda.

The maintenance grant allocation this year has been reduced and members were advised that Kerry County Council is looking at new technologies to ensure effective value for money to be achieved. It is anticipated that value for money will be achieved through the L.A. Quotes System. The level of funding provided for major improvement works for National Secondary Routes has been maintained and is welcomed. However, it was highlighted that the level of funding for both pavement and minor improvement and maintenance for 2012 is the lowest amount of funding received in the last 12/13 years. Mr. MacNamara advised that as a result difficulties will be experienced in the area of maintenance of National Secondary Routes.

It was suggested at this stage in the meeting that the Roads Programme 2012 would be taken as read as the 2012 Programme was brought before the Members at the Electoral Area Meetings. This suggestion was noted, however, following consideration it was agreed to proceed with overview of the entire Programme.

The 2012 funding for Non-National Roads (Maintenance and Improvement) represents a decrease on the level of funding in 2011. Notwithstanding this the improvement of a further 223km of Non-National Road Network in 2012 is to be welcomed. There were seven fatalities on Kerry's Roads in 2011, it is hoped that 2012 will see a reduction in the number and the allocation of €570,487 towards Road Safety Works was welcomed.

The amount of €1,416,000 is available for Regional Roads Upkeep. The amount of €6,221,739 is available for Local Roads Upkeep.

Currently the Council is actively pursuing two landowners for the recoupment of costs incurred by the Council for the cutting of hedges following the landowner's failure to comply with their statutory requirements.

Mr. MacNamara highlighted that savings are being made as a result of Kerry County Council's own quality control laboratory.

In conclusion Mr. MacNamara thanked all Staff for their excellent contribution in delivering the 2011 Roads Programme, under very difficult financial constraints. He also extended his appreciation to the Mayor, Cllr. Tim Buckley, and to each Member of the Council for their continued support, co-operation and commitment.

The Members discussed the programme at length. The Members thanked Mr. Tom Curran, County Manager, Mr. Charlie O'Sullivan, Director, Roads, Transportation & Safety, Mr. Ger MacNamara and all the Roads, Transportation & Safety Department's staff for the preparation of the Roads Programme for 2012. Matt Corridan, Senior Engineer, and the Staff of the Kerry National Roads Regional Design Office were also thanked. Members also extended good wishes to Mr. Charlie O'Sullivan for a speedy recovery. Members wished to acknowledge and compliment the works carried out by the Area Engineers, Outdoor Staff and the Area Offices.

The following specific issues were raised by the Members:

- Members welcomed funding for the Tralee By-Pass and the substantial funding for the N86 and N69. Cllr. Patrick Connor-Scarteen requested that Kerry County Council would make an application to the NRA for funding for the Bonane Road. Cllr. Finucane commented that the investment in the N86 was significant as was the linkage made by the NRA with the development of tourist infrastructure to support tourism. Cllr. O'Shea welcomed the funding for the N86 and acknowledged that the works would also be a boost for the local economies.
- Members expressed concern at the decrease in funding for the maintenance of Primary and National Secondary Routes. Cllr. O'Shea expressed disappointment that no funding was received for National Secondary Annual Re-surfacing, he felt that these were vital arteries to Kerry and the lack of funding would be detrimental. Cllr. O'Shea requested an approach to be made to the NRA/Minister on this issue. Cllr. McEllistrim expressed her concern regarding the maintenance of National Secondary roads due to decrease in funding and highlighted the monies spent recently by the NRA on replacing signage and enquired how much money was

spent replacing signage with only sight changes. Cllr. O'Donoghue stated that it had been promised that once National Primary Routes had been improved additional funding would be made available for National Secondary Routes, however Cllr. O'Donoghue felt that this was not the case. Cllr. O'Donoghue highlighted the importance of the Ring of Kerry Route, as an extremely busy route, and suggested contacting the Department of Tourism for funding towards strategic tourist routes.

- Members expressed disappointment at the suspension of the Local Improvement Scheme funding. Cllr. O'Connell highlighted the importance for the Local Authority to advise members of the public that this funding is no longer available.
- Cllr. Brassil put forward a proposal to the Members requesting that Kerry County Council would set up its own emergency fund of €100,000 to assist people living on roads in particularly bad condition, by giving residents an opportunity to apply for funding, all applications to be assessed and the fund to be divided equally between North and South Kerry. A suggested contribution from the local residents was 25%/30%. Cllr. Brassil requested the support from each of the Councillors by allocating €3,000 each from their County Councillor Allocations with the shortfall of €20,000 to be made up by Kerry County Council.

Cllr. Brassil suggested that this proposal, if agreed, be operated until such time as Local Improvement Scheme funding is reinstated. Cllr. Danny Healy-Rae acknowledged Cllr. Brassil's proposal as a suggestion worthy of consideration. Cllr. Danny Healy-Rae enquired if there had been a response to the deputation to the Minister regarding Local Improvement Scheme funding. Cllr. Michael Cahill welcomed Cllr. Brassil's proposal, but enquired how applications would be prioritised and what would happen to applications on the current Local Improvement Scheme List. Cllr. Finucane seconded Cllr. Brassil's proposal. Cllr. O'Shea acknowledged the merit in Cllr. Brassil's proposal. Cllr. Beasley expressed his disappointment over the suspension of Local Improvement Scheme funding. Cllr. Beasley advised that while he would support Cllr. Brassil's proposal, issues such as how applications will be selected and how many roads could be improved need to be decided. Cllr. Leahy acknowledged the merit in Cllr. Brassil's proposal, but enquired what would happen to the existing Local Improvement Scheme list? Cllr. McCarthy agreed that there was merit in Cllr. Brassil's proposal, but felt there may be an issue if County Councillor Allocations were already expended or have been committed. He suggested an alternative option of using the cheapest possible method of re-surfacing available in conjunction with local individuals doing the preparatory works themselves. Cllr. McCarthy requested that the Area Engineers would liaise with people in the locality. He will also convey the request to Oireachtas Members. Cllr. McEllistrim saw merit in Cllr. Brassil's proposal. Cllr. Foley gave her agreement to Cllr. Brassil's proposal. Cllr. Donovan gave his support to Cllr. Brassil's proposal. Cllr. Donovan enquired if the contribution from the Councillor's Allocations could be taking out of 2013? Cllr. Culloty also supported Cllr. Brassil's proposal. Cllr. O'Donnoghue gave his support to Cllr. Brassil's proposal. Cllr. Ferris supported Cllr. Brassil's proposal. Cllr. Purtill gave his support to Cllr. Brassil's proposal. Cllr. Cronin felt that Cllr. Brassil's proposal was worthy of consideration as it afforded an opportunity, with the co-operation of Management, to facilitate in the operation of a similar scheme.

- Members highlighted the issue of Public Lighting. Cllr. Connor-Scarteen requested that Kerry County Council liaise with the ESB to ensure the speedier repair of public lighting faults. Cllr. Gleeson requested that the public lighting that was installed in Barraduff two and a half months ago and is still not switched on be investigated. Cllr. Brassil seconded the sentiment of Cllr. Gleeson in relation to Public Lighting and drew attention to the difficulties experienced with public lighting on Listowel Bridge. Cllr. Brassil suggested a meeting with Kerry County Council and the electricity providers. Cllr. Cahill referred to the Beaufort Tidy Towns Committees proposal in relation to the lighting on the bridge that was previously turned down – can this proposal be re-considered? Cllr. Johnny Healy-Rae queries how energy cost are up 18%. Cllr. Healy-Rae advised that lights at Brook Lane have been out of order for the last five weeks and expressed his dissatisfaction at the level of service from the ESB. Cllr. Foley stated that once public lighting was in place it should be switched on in the interest of safety. Cllr. O'Donoghue stated it was very necessary to be mindful of limited resources and the allocation for the improvement of Public Lighting was very limited.
- Members highlighted the importance of the maintenance and upkeep of bridges. Cllr. Cahill expressed disappointment that the bridge surveys on regional roads would be carried out by consultants as opposed to in-house, he also requested that surveys be carried out by the Killorglin Area Staff on Listry, Ballymalis, Coolroe Road, Tullig Road to Scrahan. Cllr. Foley welcomed the funding received for bridges. Cllr. O'Donoghue welcomed the funding for bridges and enquired if there were any proposals in relation to Valentia Bridge? Cllr. O'Donoghue highlighted the condition of the Feartha Bridge.
- Cllr. Gleeson advised that Liebherr experience difficulties with traffic calming measures and requested that Kerry County Council consult with Liebherr on the matter. Cllr. John Sheahan requested traffic calming at the Jarvey Stand, Muckross, where motorists exit car park onto the road.
- The issue of signage was raised by Members. Cllr. Gleeson highlighted the proliferation of same and the abuse of the Irish Language on signage – Cllr. Gleeson stated that these signs should be removed. Cllr. Beasley advised that he previously requested signage for a proposed Ring of North Kerry. Cllr. S. Cosai Fitzgerald enquired when would the Dingle/Daingean Ui Chuis signs be restored? Cllr. Sheahan suggested that “Slow” signs be put up on by-roads to forewarn motorists. Cllr. McCarthy highlighted the importance of signage in towns advising visitors of the exit routes from the town. Cllr. Foley requested improvements to tourism signage on approach to the county, and she suggested the use of a tourism budget to fund these works. Cllr. Donovan queried the ‘blackening out’ of the english version of Ballinskelligs on road signage even though the signs were not in the Gaeltacht Area. Cllr. Ferris supported Cllr. Foley’s sentiments in relation to signage on approaching our towns and suggested using Dungarvan as a model. Cllr. Ferris commended the Roads Department and acknowledged that there have been huge improvements on the main thoroughfares into the county.
- Members noted that the 14th April is the date nominated for litter picking in the county as part of National Spring Clean Campaign. Cllr. Gleeson highlighted the importance of ensuring that road side gullies are unblocked for the protection of the road network. Cllr. Brassil noted that litter was an issue and welcomed the Spring Clean Campaign and suggested that communities should be encouraged to get involved. Cllr. Sheahan thanked all volunteers associated with litter picking and concurred with Cllr. Gleeson in relation to the importance of ensuring that culverts and drains are kept clear of debris to prevent damage to the condition of the road from

surface water. Cllr. Moynihan Cronin emphasised the importance that roads are kept well drained, particularly in autumn.

- In relation to hedgecutting Cllr. O'Connell advised that it was imperative for Kerry County Council to notify all landowners of their statutory obligation to cut their hedges, alternatively Cllr. O'Connell suggested reverting back to the previous policy whereby Councillors could allocate towards hedgecutting. Cllr. John Brassil welcomed the action being taken by the Council in relation to hedgecutting. Cllr. Danny Healy Rae expressed his dissatisfaction with the current hedgecutting policy and referred in particular to overgrown trees on the Ring of Kerry route that are causing drivers to drive over the white line. Cllr. Healy Rae requested that landowners be made aware of their obligation to cut trees on their lands. Cllr. Finucane felt that Kerry County Council needed to take a firmer approach in relation to hedgecutting. Cllr. Leahy also wished to support Cllr. Danny Healy Rae in relation to the cutting of trees and he enquired about the Council's policy, liability etc. Cllr. Johnny Healy Rae also drew attention to the issue of roadside trees that were overgrown in particular on the road to Lauragh. In relation to overgrown hedgerows Cllr. Healy-Rae mentioned the coast road to Kilmakilloge which for a distance of 700/800m is nearly closed in. He highlighted in some instances it is difficult for landowners to carry out hedge and/or tree cutting and requested that Kerry County Council looked into this area. In relation to hedgecutting Cllr. Foley advised that individuals who comply by cutting their own hedges are irate when adjoining landowners do not cut their hedgerows and this will lead to less people cutting their hedges. Cllr. Donovan requested that Kerry County Council take a firmer approach in relation to hedgecutting. Cllr. Cronin highlighted that Kerry County Council had a duty to show respect to landowners who have cut their hedges and also a duty to follow up on individuals to ensure that they trim their hedges as this is part of the Repts criteria. Cllr. Cronin gave credit to the work carried out by Sean Barry, Roads Enforcement Officer.
- Cllr. Michael Gleeson requested that clarification be issued to individuals affected by the Farranfore – Lissivigeen By-Pass Scheme that had an expected completion date of 2009.
- Cllr. John Brassil welcomed the Community Involvement Scheme (Retro), and requested that the Councillors be given an opportunity to have an input in this programme. Cllr. Leahy also requested that the Councillors would have an input into the CIS (Retro) Programme.
- Cllr. Brassil requested that the practice of using black top material followed by tar and chip on top be investigated in particular with reference to the road from Ballyheigue to Causeway that was repaired under the RM Programme in 2011.
- Members welcomed funding received for the Roads Programme. Cllr. Danny Healy-Rae welcomed funding received for works at Rossacroo, the works in Kilgarvan for 2012 and the Kenmare Eastern Bypass. Cllr. O'Shea welcomed funding for Kilderry bends. Cllr. Seamus Cosai Fitzgerald welcomed the Restoration Maintenance Programme, Restoration Improvement Programme and the Specific Improvement Grant Allocation for the R561 Castlemaine–Annascaul (Inch). He also welcomed the investment in the low cost tourism routes and hoped this investment will continue. He highlighted that the Dingle Relief Road was progressing well. He also highlighted the importance of identifying additional car parking. Cllr. Pat Leahy welcomed the funding for the Listowel By-Pass, Listowel to Tarbert and Listowel to Abbeyfeale. Cllr. Johnny Healy Rae welcomed works at Kilgarvan Village and the Kenmare Relief Road. Cllr. McEllistrim welcomed the prioritising of safety. Cllr. Foley welcomed the allocation of funding towards road safety. Cllr. Foley welcomed works on the

Strand Road Roundabout. Cllr. O'Donoghue welcomed the funding under National Secondary Pavement and Minor Improvement Works on the N70 from Kells to Kells Station and enquired if funding available can be stretched to alleviate the bends? Cllr. O'Donoghue queried if the lengths of the sections road surface dressed from Mountain Stage to Glenbeigh can be extended? Cllr. O'Donoghue enquired why private contractors were carrying out a lot of works as opposed to Kerry County Council Staff.

- Cllr. Danny Healy Rae identified a problem with local tertiary roads in the county – drainage and patching will become issues as a result of loss of Discretionary and CLÁR funding in particular. Cllr. Healy Rae highlighted the roads from Lisheen Cross to Blackwater, Bonane and Gneeveguilla.
- Cllr. Danny Healy-Rae enquired if it would be possible to increase the amount of funding for County Councillors Allocations, and suggested that perhaps Winter Maintenance funding could be looked at as a source. Cllr. Healy Rae highlighted that due to current Health & Safety Legislation the cost of jobs carried out with County Councillor Allocations funding has increased.
- In relation to Speed Limits, Cllr. Danny Healy Rae requested that Kerry County Council contact the NRA to request a reduction in the speed limit in the vicinity of Glenflesk Church. Cllr. Cahill requested that Kerry County Council investigate the speed limit, which is currently 80kmph, at the bridge in Glenbeigh where children cross from the carpark to the school. Cllr. Cahill would like this matter to be investigated as soon as possible.
- Cllr. Michael Cahill wished to highlight his concerns with regard to the section of road from Glenbeigh Village to Glenbeigh School, and also expressed his disappointment that the Sunhill Road and Cromane Lower were not included in the Programme.
- Cllr. O'Shea questioned the cut in own resources funding. And also enquired if monies can be recouped by Kerry County Council from Speed Cameras to go towards own resources funding? Can own resources funding be reinstated?
- Cllr. Terry O'Brien thanked staff. He enquired about plans for pedestrian crossing at Strand Road Roundabout.
- Cllr. Robert Beasley welcomed the funding received. However he was very disappointed that no major funding had been received for the Dale Road. Cllr. Beasley requested that Oireachtas Members be contacted to ensure funding could be secured for 2013.
- On the issue of Temporary Staff, Cllr. Robert Beasley stated that in the interest of tourist towns he hoped that extra staff would be taken on. Cllr. Fitzgerald wished to support Cllr. Beasley in the taking on of seasonal staff for street and beach cleaning. Cllr. Leahy also wished to give his support to the taking on of temporary staff this year. Cllr. O'Donoghue acknowledged the works of seasonal workers down through the years and enquired if retired staff are being replaced?
- Cllr. Beasley enquired, where Local Improvement Schemes were carried out in the 1970s, were the roads taken in charge of Kerry County Council and are they in charge?
- Cllr. Leahy enquired if emergency call out monies can be recouped?

- Cllr. Matt Griffin enquired about the Cork/Swansea Car Ferry.
- Cllr. Sheahan suggested making discretionary funding available to allow a Councillor to fund the improvement of a number of kms of local road every year. Cllr. O'Connell suggested that the return of discretionary funding should be requested as extreme weather had not been experienced this winter.
- Cllr. Johnny Healy-Rae acknowledged improvements in the road to and from Kenmare, however he also highlighted the condition of the Bonane Road, Blackwater to Sneem Road, and the Ring of Kerry Route.
- Cllr. McCarthy requested if an allocation could be set aside for repairs to the roads in villages who had their road surfaces eroded by surface water and also suggested the use of County Councillors Allocations for the purpose of keeping the road edges in reasonable condition.
- Cllr. Foley highlighted the benefits of rolling out a pilot scheme to promote road safety in schools and suggested that the scheme could be devised in-house.
- Cllr. Donovan requested an update on proposed works on the Renard road leading to Valentia Car Ferry. Cllr. Donovan stated that this matter is ongoing for over three years and expressed his disappointment in this regard.
- Cllr. John Culloty stated that every effort should be made to ensure the works to improve the roadway at Ballyvourney take place as this route is vital for Killarney and of huge importance for the county.
- In relation to Planning Cllr. Ferris requested a response from the County Manager in relation to the manner that Kerry Local Authority were assisting banks rather than the individual in their planning conditions, in which Cllr. Ferris felt there was no flexibility granted imposing that only a local individual can purchase the site and there is no restrictions for banks. Cllr. Ferris requested that this issue be discussed at the next Council Meeting and is included as an item on the agenda.
- Cllr. Liam Purtill had particular concerns in relation to the regional road to Ballylongford. He also raised the issue of Street Cleaning.
- The area of grass cutting within estates was highlighted by Cllr. O'Connell and the fact that public liability insurance was an inhibitor to this. Cllr. O'Connell suggested that as a solution would it be possible for Kerry County Council to cover the cost of public liability insurance.

Mr. Ger MacNamara, Senior Engineer replied to the key issues raised and thanked the Members for their compliments to the Staff. Mr. MacNamara also thanked the Members for their acknowledgement of the difficulties ahead.

In relation to hedgecutting, he outlined that the Council's Roads Enforcement Officer will act on any information received. In relation to tree cutting he advised that it is the responsibility of the landowner to look after trees on their lands and that specialist contractors are available to carry out this service for landowners.

He stated that when carrying out Pavement Overlays, because of possible Health and Safety concerns, the National Roads Authority have insisted on fixed price contracts.

He confirmed that under the Specific Improvement Grant a submission had been made for Valentia. The overall cost of the project to repair the mechanical opening is €600,000 and regrettably there is no funding available for these works.

In relation to Feartha Bridge he advised that investigations were ongoing.

Mr. MacNamara gave an undertaking to revert at a later date in relation to the Strand Road Roundabout, when Part 8 Planning was being sought.

Mr. MacNamara advised that the inspection of bridges involved a detailed structural analysis on the bridge and these competencies were not available in-house.

He advised that surface dressing is required on top to provide skid resistance. Mr. MacNamara will look into the matter in relation to the particular road referred to by Cllr. Brassil.

In response to the matter of staffing numbers Mr. MacNamara advised that Kerry County Council was bound by the embargo on recruitment that is currently in place.

The replies were noted.

On the PROPOSAL of Cllr. T. Buckley, Mayor, the proposal was seconded and it was agreed to adopt the 2012 Roads Programme as presented. All Members agreed.

Item 2. To discuss the taking in charge of private roads

Mr. Ger MacNamara circulated the “Report to Elected Members on the Taking In Charge of Private Roads, dated the 5th March 2012”. The contents of the report were outlined in detail.

Cllr. John Brassil welcomed the proposal, and agreed that the Transport SPC would be tasked with preparing a specific proposal. Cllr. Brassil also felt that Councillors wishing to make an input should be given the opportunity to do so. Cllr. Brassil was satisfied to allocate €3,000 from County Councillor Allocations.

Cllr. Breeda Moynihan-Cronin thanked Ger MacNamara and Tom Curran for putting the item on the Agenda, and raised the following queries:

- 1) Would some limited Hardship and Emergency element be provided?
- 2) What would the local contribution be?
- 3) Will the road in question be taken over by Kerry County Council, if no then this proposal does not address her Notice of Motion?
- 4) Does this proposal change the policy whereby County Councillors Allocations can be used on private roads?

Cllr. Moynihan-Cronin stated that the Black Road in Killarney would not cost Kerry County Council any money as the residents were going to bring the road up to standard. She also advised that the Black Road is a through road used by more people than those living on the road.

Cllr. Finucane seconded Cllr. Brassil's proposal that a specific proposal would be prepared by the Transport SPC to formulate criteria in co-operation with the roads engineers. Cllr. Finucane appreciated that guidelines would be needed and welcomed the formulation of the proposal.

Cllr. Danny Healy-Rae stated that Local Improvement Schemes and the Black Road were two separate issues. He enquired if there was any response from the Minister to receiving a deputation?

In relation to the Black Road Cllr. Healy-Rae felt that this was a special case. He had brought forward a Notice of Motion in 2010 or early 2011 and in between advised that people on the road would complete a Local Improvement Scheme Form. Cllr. Healy-Rae reiterated that other people use the road other than the residents. He requested that the Councillors accede to the request and requested their support in requesting Kerry County Council take this road in charge.

Cllr. Toireasa Ferris stated that there was no legal difficulty with Cllr. Brassil's proposal, however she requested that monies taken from the Councillor's County Councillors Allocations would remain in their electoral area. Cllr. Ferris stated that she was furious with the reply to Item 2, as proposed, as she had asked previously if she could allocate from her County Councillors Allocations towards works on private roads and was advised that she could not. Cllr. Ferris stated that under the 2001 Local Government Act there is discretion to allow County Councillor Allocations be spent on private or public roads, however she feels that she was misled in this regard for nine years. She stated that in this area Management have been wrong and consistently wrong. Cllr. Ferris requested a response from Management on this issue.

Cllr. Michael Cahill advised that he had no difficulty with Cllr. Brassil's proposal. He queried should monies, if available, be considered for pothole filling. Cllr. Cahill requested that should monies not be fully utilized for salting roads this year, correspondence should be sent to the Minister to enquire if this funding be used for Local Improvement Schemes.

Cllr. Pat McCarthy had concerns over how much could be achieved from the monies, and he reiterated the benefits of his suggestion that the Area Engineers would liaise with locals. Local individuals would carry out the preparatory works and Kerry County Council would carry out re-surfacing works.

Cllr. Anne McEllistrim was agreeable in principal to the proposal and requested if the funds could come out of next year's allocation.

Cllr. Seamus Cosai Fitzgerald envisaged difficulties with administration and the amount of monies available.

Cllr. Patrick Connor-Scarteen advised that the proposal will be brought before the Transport SPC for discussion.

Cllr. Brendan Cronin stated that the decision by Minister Varadkar to suspend Local Improvement Scheme Funding was a disastrous one. This proposal will not solve all the issues however it will provide some hope for people. Cllr. Cronin requested clarity on the issue of whether or not funding can be allocated to private roads. He supported Cllr. Brassil's proposal.

Cllr. Pat Leahy envisaged problems ahead and referred to the number of people currently on the Local Improvement Scheme List. He supported Cllr. Brassil's proposal.

Cllr. Michael Gleeson wished the Transport SPC well in their decision making process, said he saw huge challenges for the Council in relation to the issue of whether or not funding can be allocated to private roads.

Cllr. O'Shea worried about the workability of the proposal while at the same time acknowledged its merit.

Cllr. Moynihan-Cronin re-iterated that there were two separate issues - the creation of a scheme for private roads and the request to take over the Black Road.

Cllr. Paul O'Donoghue stated that unless there was a fund for individuals living on private roads, we were leaving people with no hope and suggested dividing the fund by area.

Mr. Tom Curran responded by saying that he could not give an undertaking that the Black Road would be taken in charge, as there were difficulties due to insufficient funding available to maintain existing roads. However, he also stated that the taking in charge of a roadway is a reserved function for Council and he would accept the democratic decision.

In response to the issue of whether or not funding could be allocated to private roads, Mr. Curran advised that legal advice would be required, but was certain that the allocation of funding was based on being part of a scheme.

Cllr. John Brassil welcomed seeking legal advice on this issue. He suggested that the scheme could be operated on a hardship basis.

It was agreed that the proposal would be brought before the Transport SPC for consideration. Members were advised to liaise with Cllr. Patrick Connor-Scarteen, Chair of SPC.

The proposal to start the statutory process with a view to taking in charge of the Black Road in Muckross, Killarney was proposed by Cllr. Breeda Moynihan-Cronin and seconded by Cllr. Danny Healy-Rae.

The vote was as follows:

Cllr. Beasley	Ab
Cllr. Brassil	Against
Cllr. Cahill	For
Cllr. Connor-Scarteen	Against
Cllr. Culloty	For
Cllr. Cronin	For
Cllr. Donovan	For
Cllr. Ferris	Against
Cllr. Finucane	Against
Cllr. Fitzgerald	Against
Cllr. Foley	AB
Cllr. Gleeson	For
Cllr. Griffin	AB
Cllr. Danny Healy-Rae	For
Cllr. Johnny Healy-Rae	AB
Cllr. Pat Leahy	For
Cllr. McCarthy	Against
Cllr. McEllistrim	ABS
Cllr. Moynihan-Cronin	For
Cllr. O'Brien	ABS
Cllr. O'Connell	ABS
Cllr. O'Donoghue	For
Cllr. O'Shea	For
Cllr. Purtill	Against
Cllr. Sheahan	For
Cllr. Wharton-Slattery	For
Cllr. Tim Buckley (Mayor)	Against

The motion to start the Statutory Process with a view to taking in charge of the Black Road, in Muckross, Killarney was carried: 12 No. For, 8 No. Against and 7 No. ABS.

The Meeting concluded at 14:45 p.m.