

Minutes of Youghal Town Council Meeting November 10th 2008

Minutes of Youghal Town Council held on 10th November 2008 in the Mall House, Youghal at 7.30 p.m.

Present:

Mayor Oliver Casey presided.
Cllrs. Linehan Foley, Savage, Revins, Burke, Beecher,
McLellan, Hennessy and Murray.

Officials Present:

Mrs. Patricia Power, Town Manager Mr. Liam Ryan, Town Clerk. Mr. Ger Lupton, Town Foreman Mr. Jack McCarthy, Senior Executive Engineer. Ms. Katherine Donoher, Act. Staff Officer.

Opening Prayers:

The members and officials recited the opening prayers.

Minutes of the Monthly Meeting held on 13th October 2008:

The minutes of the monthly meeting on 13th October 2008 were adopted on the proposal of Cllr. Linehan Linehan Foley, seconded by Cllr.

Town Clerk's Report On Matters arising from Minutes of the Meeting Held on 13th October, 2008:

The Town Clerk gave a report to the Members on the matters arising since the meeting held on 13th October 2008.

HOUSING AND BUILDING:

- 1. The remedial works on Dermot Hurley Estate are well advanced and should be completed in their entirety by Christmas. The remedial works for the second and final phase of Blackwater Heights and Woodview Court are currently out to tender. Completed tenders are due to be returned by 28th November 2008. Actual works should commence in early February on the project.
- 2. The estate enhancement works on the cul de sac at Sweetfields Estate are due to be completed this week. These will add to the overall visual amenity of the estate.

WATER:

- 1. The foul water drainage system is operating satisfactorily and there are no operating problems with any of the County Council pump stations. A full report on the Youghal Main Drainage Scheme is on the agenda of tonight's meeting.
- 2. The reservoirs are currently operating at full capacity with an average daily demand of approximately 580,000 gallons per day.

ROADS AND FOOTPATHS:

- 1. The Non National Road Grant works have all been completed and the grants claimed from the Department of Transport. It is anticipated that these grants will be cut by at least 10% for 2009.
- 2. The bollards have been completed at the bottom of Windmill Hill, coupled with the replacement of a section of footpath at the same location.

MISCELLANEOUS:

- 1. A tree survey was carried out on all the trees adjacent to the public stretch of the Town Walls as result of the recent tree failure which occurred in the grounds of St Mary's Church. The survey highlighted a number of extremely serious defects/fungal infections on site as these trees

are now in a state of over maturity. The approach taken highlighted the trees to be removed, the ones to be pruned reducing the weight of the crowns and identified a possible replanting scheme for the area. In view of the urgent nature of the works and the threat to public safety and the imminent danger of extensive damage to the historic town walls it was decided to immediately proceed with the felling of 11 trees. Phase II and III which involves dealing with the crowns of the remaining trees and the replanting process will be addressed in 2009. A copy of the report is attached for the member's information.

Votes of Congratulations:

The Members proposed a vote of congratulations to the following:

To CRY for returning to broadcasting at the newly refurbished Cumman na Daoine premises. All adult learners on their wonderful achievements.

Votes of Sympathy:

1. To Mirella Murphy on the death of her husband Mr. Maurice Murphy.
2. To Justin O' Brien on the death of his uncle Mr. John O' Keeffe.

Town Foreman's Report:

The Town Foreman's Report on works carried out from October 9th to November 5th, 2008 were brought to the attention of the members and noted. Arising from the report the following items were raised:

- 1 . Hole in the road outside Pak Fook Chinese Restaurant.
- 2. ESB Poles not working around the town.
- 3. Double Yellow Lines and markings for Cherryvale Estate Car Park.
- 4. Rubble in cemetery.
- 5. Yellow Box at Parish Church.
- 6. Bollards for footpath at Dr. Kennedy Place to curtail vehicle parking.
- 7. Grass cutting in the Spa Hill - grass not being removed.
- 8. Update on bus shelter for stop at Post Office.
- 9. Ongoing vandalism and anti-social behaviour at Dermot Hurley Estate.
- 10. Condition of public toilets at Cemetery.
- 11. Green moss/algae appearing on road at Sarsfield Terrace, Kilcoran Road & Sruthain na Saili. The Town Engineer informed the member that he will investigate the matter.
- 12. Dog fouling bins outside the League of the Cross Hall being used for cigarette butts.

County Council Items:

Cllr. Murray informed the members that she wanted to push Struthain na Saili taking in charge but was aware that there is ongoing problems with drainage in the green area and that the road liner was required to mark out parking spaces. The Town Engineer informed the member that he was aware of the situation and would investigate.

- 1. Footpath at the Fairfield Car Park. The Town Engineer informed the members that this item was included in the list of works for 2008.
- 2. Repairs to road from Windmill Hill to Cork Hill in particular outside Sean Twomey's butchers on North Main Street. The Town Engineer informed the members that he would investigate the matter.
- 3. Bollards for entrance to Quarryvale. The Town Engineer informed the members that this issue lies with the local Gardai to enforce double yellow lines in the area.
- 4. Condition of Windmill Hill in heavy rains.
- 5. Ponding at Gallagher's Terrace. The Town Engineer informed the members that the patcher was currently on site.
- 6. Footpaths at the junction of South Abbey with Strand Street, east side of Tallow Street, east side of Water Lane and Mall Lane. The Town Engineer informed the members that he will investigate the matter.
- 7. Dip on footpath at Dr. Kennedy Place.
- 8. Road cutting at Cromwell's Arch.

- 9. Update on odours emanating from the Landfill Site.
- 10. Surface water on Quarry Road.
- 11. Ponding at Nagle House.
- 12. Disabled parking space to the rear of Rivergate Mall.
- 13. Condition of approach road from Waterford due to removal of soil from sites in the area.
- 14. Traffic Calming at Dermot Hurley Estate & Galvins Costcutters.

Managers Orders:

Managers Orders nos. 196/08 to 216/08 were brought to the attention of the Council and noted.

Planning Applications:

Planning application reference no. P58049/08 was brought to the attention of the Council and noted.

Further Information Received:

The members were informed that further information was received in relation to planning application nos. P58018/08, P58030/08, P58033/08 and P58041/08.

Mayors Business:

The Mayor informed the members that there were two sets of tenders to be opened.

Opening of tenders for construction of new public steps and all associated site works at Knockaverry, Youghal. The Town Clerk informed the members that 6 tenders were received. The following is the list of tenders:

1DR Developments Ltd.

- 2 Adamslane Properties Ltd.
- 3 Ferryview Construction Ltd.
- 4 Michael Foley & Co.
- 5 Lenane Construction Ltd.
- 6 McMahon Underground Services Ltd.

The amount of tenders received ranged from €50,453 to €160,035.

Opening of tenders for Youghal Seawall Outfall. The Town Clerk informed the members that 4 tenders had been received The following is the list tenders:

- a) Edward Long.
- b) McGinty & O' Shea.
- c) Lemac Ltd.
- d) Cumnor.

The amounts of tenders ranged from €42,041.40 to €50,863.89.

Notice Under Section 11(1) of the Roads Act 1997- public road at Shanavine, Seafield, Youghal.

The Town Clerk circulated to the members Notice under Section 11 (1) of the Roads Act 1997 - Public Road at Shanavine, Seafield Youghal.

The members authorised the commencement of the public consultation process on the proposal of Cllr. Revins, seconded by Cllr. Linehan Foley and was unanimously agreed by the members.

Legal Advice on resolution of the Council on the following motion adopted by the Council on September 8th 2008:

The Town Clerk circulated to the members legal advice on the following motion adopted by the members of the Council at the September meeting held on 8th September 2008:

"That this Council provide designated parking for the residents of DeValera Street in the new car park on that street".

The Manager and Town Clerk stated that the legal opinion (copy attached to minutes) which was

received from James Connolly, S. C. considered the terms of the resolution of Council to be unlawful and based on that it seemed to them that they were not in a position to implement the terms of that resolution.

A letter from Cllrs. Casey and Burke (copy attached to the minutes) to the Manager and Town clerk relating to the Senior Counsel's opinion was read to the members by Mayor Oliver Casey. In this letter Cllrs. Casey and Burke expressed differing viewpoints to those of the Senior Counsel and outlined how the resolution might be implemented. The Manager and Town Clerk stated that the legal opinion considered the terms of the resolution of Council to be unlawful and based on that it seemed to them that they were not in a position to implement the terms of the resolution. The resolution was debated at length by the Mayor, members, Manager and Town Clerk. Due to elapse of time the issue was deferred to the December meeting.

Extension of time:

An extension of time was unanimously agreed by the members of the Council on the proposal of Cllr. Burke and seconded by Cllr. Casey.

Report on Youghal Beaches/Youghal Main Drainage Scheme Report/ Civic Amenity Site Report by Manager Patricia Power:

The members agreed that this item be deferred until the December meeting.

Motion in the name of Cllr. Revins, seconded by Cllrs. Linehan Foley and Savage:

Motion in the name of Cllr. Revins seconded by Cllrs.

Linehan Foley and Savage:

"That a Rate increase of 0% coupled with an 0% Rent increase for Local Authority Tenants be applied for the 2009 Budget".

The Town Clerk recommended that the wording of the motion be changed to the following and was accepted by the proposers of the motion:

"A rate increase of 0% coupled with a 0% increase in the Council's differential rent scheme of 2008 for 2009".

Following this motion Cllr. Burke proposed the following amendment:

"Rate increase of 5% (in line with rate of inflation) coupled with a 5% decrease in the differential rent scheme of 2008 for 2009".

This amendment was seconded by Cllr. Casey.

After a brief discussion the amendment was voted on:

In favour of the amendment:

Cllrs. Burke & Casey.

Against the amendment:

Cllrs. Savage, McLellan, Revins, Hennessy, Murray, Beecher & Linehan Foley.

The amendment was defeated by 7 votes to 2.

Subsequently, the motion was put to a vote:

In favour of Cllr. Revins motion:

Cllrs. Revins, Linehan Foley, Hennessy, McLellan, Murray, Savage & Beecher.

Against the motion:

Cllrs. Burke & Casey.

The motion was carried by 7 votes to 2.

Correspondence:

It was agreed that the correspondence be deferred until the December meeting.

This concluded by business of the meeting.

Mayors Signature: _____