

**Minutes of the November Monthly Meeting of Athlone Town Council, which was held in the Civic Centre, Church Street, Athlone at 6.00 p.m. on Monday 7<sup>th</sup> November 2011.**

**Attendance:**

Mayor: Cllr. A. Shaw

Members: Cllrs. S. Buckley Byrne, M. Cooney, J. Henson, P. Hogan, G. McFadden, K. Molloy, K. Moran & A. O'Rourke.

Officers: Mr. Barry Kehoe, Director of Services  
Mr. Hugh O'Reilly, Town Clerk  
Mr. Alan Kelly, Town Engineer  
Ms. Anne McNamara, Assistant Staff Officer

**Deputation from Athlone Chamber:**

The Mayor welcomed to the Meeting Michael O'Brien, Siobhan Bigley and John McGrath from Athlone Chamber. Michael O'Brien addressed the Meeting, outlining what the Chamber does on an ongoing basis and in particular he spoke about their Empty Premises Strategy for the town, which proposes short, medium and long-term solutions. This included utilisation of some premises by Arts Groups. On behalf of the business interests in town, he said the Chamber is calling for a 5% reduction in commercial rates.

A discussion followed and it was agreed that the Chamber and Executive would continue to meet on a quarterly basis and Cllr. O'Rourke proposed that the Members become involved too. Cllr. Cooney pointed out that a 5% reduction in rates would have a small impact on an individual business but it would have a huge impact on the Council's finances and therefore on the services it provides. Cllr. McFadden said that the business sector is well represented on the Council at all times including budget meetings. It was agreed that the Chamber and the Council work together in the future, so that there would be a greater understanding of their respective roles.

The Mayor thanked the Deputation for their engaging and informative presentation.

**Minutes:**

It was proposed by Cllr. Moran,

Seconded by Cllr. Molloy and resolved,

“That we hereby adopt and confirm the Minutes of the October Monthly Meeting which was held on October 3<sup>rd</sup> 2011”.

It was proposed by Cllr. Cooney,

Seconded by Cllr. Henson and resolved,

“That we hereby adopt and confirm the Minutes of the Special Meeting which was held in-committee on November 1<sup>st</sup> 2011”.

**Matters Arising:**

Cllr. Molloy thanked the Town Engineer for resurfacing work done in Church Street but asked if a large pot-hole in Dublingate Street could be filled in immediately and if something could be done about water lodging at the corner of Lloyds Lane beside Sheffields.

Cllr. Hogan thanked the Town Engineer for the speed ramps installed in the Old Batteries and the provision of the car park at Beechville.

Cllr. Moran asked when the turning area in Beechville will be dealt with and the Town Engineer said it will be done next week. In response also to Cllr. Moran’s query, he said that the proposals for the fence and wall at the old One-Mile Road, adjacent to the N6, will be sent to the NRA next week.

The Town Engineer informed Cllr. Cooney that work on O’Connell Street car-park has recently commenced.

**Congratulations:**

Cllr. Paul Hogan wished to congratulate Athlone on winning U-14 County Championship, St. Ciaráns (Garrycastle, Caulry and Castledaly) on winning the Minor County Championship, Garrycastle on winning the Junior and Senior County Championships and the Westmeath Ladies on winning the All-Ireland Intermediate title with Laura Brennan (from Retreat Park) scoring a penalty in the final.

**Expression of Sympathy:**

Cllr. Moran expressed his sympathy to the family of the late Michael Horan who died recently.

**Housing Estates to be taken in charge:**

Pat Keating, S.E.O., Legal & Enforcement Section of Westmeath County Council, circulated a Report to the Members which outlined the current position of housing developments in the Town Council area. There are 19 unfinished and he proposed the commencement of the process for taking in charge seven of them, as this might spur the developers to finish some outstanding works. The Report showed the details for each estate.

In response to queries, Pat Keating said that there should be no costs on the Council where enforcement action can be taken against the Developer or where the Bond is still valid. However after seven years, no action can be taken and the burden falls back on the Council. There are some estates in this category but we are now ensuring that action is taken on the newer estates within the permitted time. Chestnut Court is an old estate and it will have to be given consideration at the Council Budget meeting. In response to queries on Moreno, Pat Keating advised that the problem there is with a wayleave across the gardens and the Developer is trying to solve this. The Town Engineer advised that there is only 1 outstanding issue to be finalised before the Council will commence the taking in charge of Woodville Grange and that relates to the Pumping Station. He advised that this work will be completed by Christmas and the Council will commence the taking in charge of the estate early in the new year.

It was proposed by Cllr. Moran,

Seconded by Cllr. McFadden and resolved,

“Pursuant to the provisions of the Roads Act 1993, the Local Government Acts 1925-2001 and the Planning & Development Acts 2000-2010, we hereby approve of the commencement of the process to take in charge the roads and services in the following estates: Church Hills, Annesfield Woods, Church Wood, Moreno, Churchfield, Bramble Close and Auburn Close.”

### **Maintenance of Winter Services:**

The Director circulated a Report on Roads and Flooding outlining the winter maintenance regime in relation to roads and flooding. Barry Lennon, E.E. circulated a similar Report on Water Services. A lengthy discussion followed and it was agreed that the public have a role to play in severe weather conditions and it would be useful to inform them that if they act in good faith cleaning drives and pathways, they have no liability for accidents that might happen afterwards. Advice in this regard would be placed on the website. The Director said grit could be provided for estates when requested, but there are no proposals to provide bins. With regard to the flooding defences for some areas, the Members were dissatisfied with having to wait till the OPW report is complete in 2015, but the Director advised that Planning Permission would be impossible to get in the absence of the CFRAM Report.

The Director circulated an information pack that will be distributed to certain householders in the next few days, to alert them and tell them what they can do. He also informed the Members that a vehicle is being purchased that can drive through 1.2m of water. Cllr. Buckley Byrne asked that the Council's emergency contact details be included in the pack.

### **Draft Playground Bye-Laws 2011:**

The Town Clerk advised the Members that the requested amendments were made to the Draft Bye-Laws following the September Meeting and they were advertised and placed on

public display. No submissions were received and he recommended they adopt the Bye-Laws.

It was proposed by Cllr. Cooney,  
Seconded by Cllr. Buckley Byrne and resolved,  
“Pursuant to the provisions of Part 19 of the Local Government Act 2001, we hereby approve of the Draft Bye-Laws 2011”

### **Castle Regeneration Project:**

The Director advised the Members that the awaited Ministerial Consent has now been given and the main contract for the Civil Works will be signed on Thursday of this week. It is hoped the contractor will be on site the following week. It is a seven month contract.

It was agreed to update the Members at each monthly meeting, of the progress being made on the Castle.

### **Managers Orders:**

The Members noted the summary of Managers Orders as circulated.

### **Questions:**

Question 1. Cllr. G. McFadden:  
“Will this Council resurface the lane at the back of St. Anne’s Terrace?”

**Answer:** Funding was set aside by the Council in 2004 and 2005 to resurface back lanes in the town and €10,500.00 was spent on the rear lane at St. Annes Tce. to provide a gravel surface at that time. Specific funding would be required for any further works to be carried out at this location.

Question 2. Cllr. G. McFadden:  
“Will this Council put speed ramps in Beech Park West?”

**Answer:** Ramps were already provided in Beechpark West in 2011 and the need for further ramps should be established in the first instance by means of speed survey and further funding if ramps required.

Question 3. Cllr. J. Henson:  
“Does the upgraded signage system include cul de sac signs for Brawney and Beechpark?”

**Answer:** Cul-de-sac signage can be provided at these locations in 2012.

Question 4. Cllr. J. Henson:  
“Will this Council be providing salt bunkers to assist the public in gritting their area?”

**Answer:** Arrangements for road gritting will be discussed in Agenda item on Maintenance of Services in Winter.

Question 5. Cllr. A. Shaw:  
“Will this Council include a financial contribution in the 2012 budget for the benefit of Athlone Little Theatre?”

**Answer:** This will be considered by the Members in the context of the upcoming Budget.

Question 6. Cllr. A. Shaw:  
“Will the Council provide free car parking over two Saturdays in the run up to Christmas as an incentive to shoppers and as a stimulus for local businesses during a difficult period for the retail sector in particular?”

**Answer:** Over the past few years the Council has provided free parking days in the run up to Christmas. For Christmas 2011 it is proposed to the Members that free parking will be provided on Saturday 17<sup>th</sup> December and Saturday 24<sup>th</sup> December, 2011.

Question 7. Cllr. K. Moran:  
“Will the Council clean the gullies at the back of St. Kieran’s Terrace?”

**Answer:** Yes. This will be carried out as part of the Council’s gully cleansing programme which is currently underway.

Question 8. Cllr. A. O’Rourke:  
“When will responsibility for regional roads transfer to Athlone Town Council?”

**Answer:** The transfer to the Town Council of responsibility for Regional Roads maintenance and improvement in the Town area will form part of a Shared Services arrangement between Westmeath County Council and Athlone Town Council. This shared Services Agreement is currently

**being prepared and it is envisaged that these arrangements will be in place for the commencement of 2013.**

Question 9. Cllr. A. O'Rourke:

“In the event of there being a surplus of funding for footpath repairs in advance of year end, can repairs be carried out to improve footpaths in the St. Paul's area, otherwise can this work be considered for 2012?”

**Answer: There is no surplus of footpath funds in the current year. The footpaths at St Paul's Tce can be considered in the context of the 2012 roads funding.**

Question 10. Cllr. P. Hogan:

“Has the Council any role in regulating the price of the bin tag?”

**Answer: At present the Council has no role in regulating bin tag prices. The price of bin tags is subject to competition between licensed waste collectors. The Government is considering policy on the future of waste collection that includes a proposal whereby the Local Authority would seek competitive tenders for waste collection in their administrative area.**

Question 11. Cllr. P. Hogan:

“What is being done in relation to derelict sites at Bower View?”

**Answer: The Council currently have 10 No. sites in the Bower area on its Derelict Sites database. Derelict Sites notices have been served in respect of all of these sites. One of these properties has been renovated, commitments have been given by the owners of 2 further properties and the other 6 sites have been progressed to the stage where an annual derelict site levy can be placed on the properties.**

### **Correspondence:**

#### **Hydraulic Fracturing:**

The Minister for Communications, Energy and Natural Resources wrote in reply to the Council's letter concerning proposed Hydraulic Fracturing taking place in Lough Allen and he said that the licence issued to his Department does not allow exploration drilling of any kind and specifically not fracking. The letter was circulated.

#### **Future of Town Councils:**

The Members noted a letter from the Office of the Minister for Environment, Community and Local Government about proposed Local Government reform. It said the Government

intended that as many things as possible will be decided at the closest possible level to local communities and the Members will have greater degrees of representation, accountability and leadership. This letter was also circulated.

**Note of Thanks:**

The Members noted a letter from the Vintage Car Club thanking them for the Civic Reception awarded to them and their support down through the years.

**Civic Reception:**

It was proposed by Cllr. Moran,

Seconded by Cllr. Cooney and resolved,

“It is hereby agreed to host a Civic Reception for the Athlone Musical Society on its 110<sup>th</sup> Birthday in February 2012”

**Motions:**

Motion (a) Cllr. G. McFadden:

“That this Council would put in place an emergency fund for the protection of the areas so badly affected by the 2009 flooding”.

**Response: As per Agenda item.**

Motion (b) Cllr. G. McFadden:

“That this Council be given a detailed update on what exactly is the emergency plan in the event of flooding”.

**Response: As per Agenda item.**

Motion (c) Cllr. G. McFadden:

“That this Council be informed of our responsibility in relation to the dumping of rubbish in gardens in all estates in our town”.

**Response: It is the duty of every property owner to keep their premises free of litter. The Litter Act 1997 and the Derelict Sites Act 1990, enables the Council to serve Notices on property owners to remove litter/rubbish. While it is not normally the Council’s policy to enter into private property and remove offensive materials/waste, the Waste Management Act 1996, does provide powers to the Council to enter onto private land in serious cases but this would have cost implications for the Council.**

The Director said the Council have removed rubbish from private houses but it only clears the way for the illegal dumping to begin again. He is currently liaising with the Environment Section to see what can be done.

Motion (d) Cllr. J. Henson:

“That this Council implement agreed flood defence measures as soon as possible”.

**Response: As per Agenda item.**

Motion (e) Cllr. J. Henson:

“That this Council request Westmeath County Council to find and implement a solution to the flash flooding problem in Ardbrae Park as this problem has been ongoing for years and is causing untold hardship.

**Response: The surface water drainage system in this area is currently being reviewed by Water Services and the results of this review will be used to identify and implement any necessary practical mitigation measures.**

**Standing Orders:**

It was proposed by Cllr. Moran,

Seconded by Cllr. Hogan and resolved,

“That we hereby suspend Standing Orders to deal with the remainder of the items on the Agenda and continue to 9 p.m.”

Motion (f) Cllr. J. Henson:

“That this Council provide a yellow box and ramped footpath in Parnell Square to assist wheelchair access to and from transport”.

**Response: This matter can be examined and costed for consideration in the 2012 roads expenditure proposals.**

Motion (g) Cllr. A. Shaw:

“That this Council writes to the Competition Authority requesting that they examine the recent convergence of prices being charged by a number of Waste Companies in Athlone and Westmeath to determine if they are engaging in anti-competitive behaviour which is in breach of competition law”.

**Response: Such a letter can issue.**

Motion (h) Cllr. A. Shaw:

“That this Council paint double yellow lines along Lissywollen Avenue to prevent traffic congestion at nine o'clock and at three o'clock and to allow

space for buses to turn. This is for the benefit of the safety of students and teachers at the Gaelscoil na gCeithre Máistrí”.

**Response: A scheme of double yellow lines for this area can be drawn up for consideration by the elected members in the December 2011 meeting.**

Motion (i) Cllr. A. Shaw:

“That this Council writes to the outgoing President Mary McAleese to thank her and her husband Martin for their support and respect given to the people of Athlone and this Council during her term as President of Ireland. Also I propose that the Council writes to President Elect Michael D. Higgins to congratulate him on his election and wish him well during his term”.

**Response: Such a letter can issue.**

Motion (j) Cllr. S. Buckley Byrne:

“That this Council be informed of the number of businesses in Athlone awaiting rateable valuation and the length of time this is taking from the valuation office in Dublin i.e. how long are businesses waiting for a valuation. Also that this Council be told what numbers of businesses are currently not paying any rates to Athlone Town Council as a result of delays in the Valuation office”.

**Response: The Council submit listings periodically to the Valuation Office. There is normally a 6 month turnaround between submitting a request and receiving a valuation, which is considered reasonable. The Valuation Office will process approximately 30 cases each year in respect of Athlone Town Council and this is more than adequate in the current economic climate. There are currently 6 cases not finalised from our 2011 submissions, 3 are in representations phase and 3 are under appeal. The performance of the Valuation Office has no significant negative impact on rates receivable by the Council.**

Motion (k) Cllr. K. Moran:

“That this Council provide a pedestrian crossing at Retreat Avenue i.e. road into the Community College”.

**Response: This matter will be addressed as part of the assessment due to be carried out by the Road Design Section of Westmeath County Council.**

The Members felt that something should be done soon as it is very dangerous and will only get worse once building starts and the car-park is reduced by

half. The Town Engineer advised that it is pointless putting in a pedestrian crossing here without a survey to indicate the best location, as the students may not use it.

Motion (l) Cllr. K. Moran:

“That this Council provide money in the 2012 Budget for footpaths in Sarsfield Square”.

**Response: The footpaths in Sarsfield Square will be examined and any necessary remedial works will be costed and considered for inclusion in the 2012 roads programme.**

Motion (m) Cllr. K. Moran:

“That this Council discuss the cutting of trees along the river bank at St. Kieran’s Terrace”.

**Response: These trees will be examined by a tree surgeon and any necessary works will be carried out.**

It was agreed to defer Cllr. O’Rourke’s Motions to the January Meeting.

Motion (q) Cllr. P. Hogan:

“That Athlone Town Council update Members in relation to flooding and our Emergency Plan”.

**Response: As per Agenda item.**

Motion (r) Cllr. P. Hogan:

“That this Council clean and resurface back lanes at Assumption Road, St. Paul's Terrace and Retreat Park (adjacent to Athlone Community College boundary wall, Mullingar Railway line and Clonbrock Court)”.

**Response: The rear lane at Assumption Road and St Paul’s Tce were resurfaced in 2005 and they will be examined with a view to prosecution for illegal dumping and cleaning up. The lane at the rear of Clonbrock Court is in the ownership of Westmeath County Council and it is anticipated will be resurfaced and upgraded as part of any redevelopment of the Community College at this location.**

Motion (s) Cllr. P. Hogan:

“That Athlone Town Council upgrade footpath at St. Vincent’s Hospital to ensure it is wheelchair friendly”.

**Response: The footpaths at the Hospital exit will be examined and any necessary disabled access works will be costed and considered for inclusion in the 2012 roads programme.**

**Budget Meetings:**

It was agreed to hold the Non-Statutory Budget Meeting in-committee on Monday 12<sup>th</sup> December 2011 at 6p.m. and the Statutory Budget Meeting for 2012 on Tuesday 20<sup>th</sup> December 2011 at 6p.m.

**Members Intranet:**

The Town Clerk advised the Members that it is proposed to introduce “electronic” documentation for all Council Meetings and a timetable for the change-over was circulated.

**This concluded the business of the meeting.**