

Minutes of September Meeting of West Clare Municipal District held on the 2nd September, 2014 at 4.00 p.m. in Council Chamber, Offices of the Municipal District of West Clare, Town Hall, Kilrush

Cathaoirleach sa Cathair:

Cllr. P.J. Kelly,

I Láthair:

Cllr. C. Curtin, Cllr. R. Nagle, Cllr. B. Slattery, Cllr. I. Lynch, Cllr. M. Hillery, Cllr. B. Chambers, Cllr. G. Keating.

Officials present:

Ms. A. Haugh, Area Co-Ordinator & Director of Service,
Mr. C. Feeney, A/Senior Executive Engineer ,West Clare Municipal District
Mr. J. Corry, Administrative Officer & Meetings Administrator.

At the outset of the meeting Cllr. B. Chambers proposed a full adjournment of the meeting as a mark of respect to the late Taoiseach, Albert Reynolds. This was seconded by Cllr. Nagle. The Cathaoirleach referred to Standing Order 21 & clarified that a full adjournment of the Meeting could only take place in the case of sitting members of the Council, members of the Oireachtas from the county, local bishops, Heads of State, on the death of a County Officer or a member of staff who normally attended the meetings.

1. Minutes of July meeting of West Clare Municipal District held on 8th July 2014

The Minutes were proposed by Cllr. Chambers & seconded by Cllr. Keating. Cllr. Slattery sought clarification as regards ownership of Crag beach which had been raised at the July meeting. C. Feeney provided him with the required details. He added that Clare Co Council could not therefore access the beach without the permission of the landowners.

Cllr. Curtin queried when a rep from the LEO would attend a meeting of the Municipal District. J. Corry advised that a rep from the LEO would attend the November meeting . Cllr. Kelly indicated that the Standing Orders didn't allow for questions to be raised regarding the Minutes & that the Standing Orders would need to be amended to allow for same. J. Corry clarified with all members subsequent to the meeting that the Standing Orders in its current format as adopted did allow questions on matters arising out of the Minutes.

2. Disposal of Property in accordance with S183 of the Local Government Act 2001- Clare Co Council to Kevin & Helen O' Neill, Property at 6 Mount, Ballycorick, Ballynacally, Co. Clare

The disposal was proposed by Cllr. Kelly & seconded by Cllr. Keating.

3. Prescribed Period for Municipal Districts holding meeting to consider the draft Budgetary Plan

Cllr. Kelly had arranged that a copy of Circular Fin 05/2014 was circulated to each of the members to outline the procedure for the preparation of the Budget. J. Corry advised that the prescribed period for the holding of a meeting of the West Clare Municipal District to consider its Budgetary Plan was between 1st & 10th October 2014. It was proposed by Cllr. Keating & seconded by Cllr. Kelly that the West Clare Municipal District would hold their meeting in Kilrush at 4pm on 7th October 2014. Cllr. Nagle indicated that it would be impossible for a Budget to be considered within the prescribed periods if Clare Co Council didn't receive details of the income it would be receiving from LPT receipts & as to whether or not CCC would be allowed retain 80% of such receipts as had been promised earlier. He suggested that the Cathaoirleach would write to the Minister & the Oireachtas members & get clarity on the matter as quickly as possible. Cllr. Kelly suggested that it was very difficult for the West Clare MD to make a decision with regard to a Budgetary Plan when the Council Budget would not have been adopted.

4. Consideration of making a road at Leagard North, Miltown Malbay a public road in accordance with S11 of the Roads Act 1993

It was proposed by Cllr. Hillery & seconded by Cllr. Slattery that Clare Co Council would defer this matter to allow the response to the matter from Clare Co Council to be considered by the Solicitor who had made a submission. Cllr Slattery indicated that he was very surprised that Clare Co Council would have accepted a submission which was proposing to be representing some residents & yet there were no signatures attached. He suggested that the submitter of the response would be written to query who he was representing.

5. Local Area Hackney Licence

The documentation as circulated was duly deemed to have been noted by the West Clare Municipal District members.

6. Schedule visit to Kilrush Garda Youth Diversion Project

It was proposed by Cllr. Kelly & seconded by Cllr. Keating that this visit with the Kilrush Garda Youth Diversion Project would take place in the Kilrush Youth Centre at 2.30pm on 7th October 2014. It was also suggested that the local Superintendent would be invited to attend

7. Consideration of use of Chains of Office of Kilrush & Kilkee Town Councils

J. Corry advised that it had been proposed by both Town Councils that the chains of office would go on public display in the Town Hall, Kilrush & Culturlann Sweeney respectively. He added that this was also what was being proposed by Shannon & Ennis MD's regarding the Town Council chains. He added that both Shannon & Ennis MD's were proposing to purchase new chains. Cllr. Kelly suggested that the West Clare MD would defer making a decision on this until they knew what Killaloe MD were doing with regard to a chain of office

8. Consider date for November Meeting of West Clare Municipal District

It was proposed by Cllr. Nagle & seconded by Cllr. Chambers that the November meeting would take place at 4pm on 11th November 2014 as there was a Training Course for Cllrs proposed for the 4th November.

9. Notice of Motion submitted by Cllr. Chambers

“That Clare Co. Council would provide a Speed Ramp at Steward Street, Kilrush”

This Motion was seconded by Cllr. Lynch

In a written reply circulated C. Feeney, A/SEE, West Clare Municipal District replied that:-

The provision of bollards is governed by Statutory Instrument. No. 32/1988: Road Traffic (Bollards and Ramps) Regulations 1988. Under the First Schedule Section (6)(b) it states Bollards shall not be provided on a roadway where the road concerned is a national road. Therefore as Steward street is part of the N67 National secondary road network it is not appropriate to provide a speed ramp at this location.

Cllr. Chambers indicated that he accepted the response

10. Notice of Motion submitted by Cllr. Chambers

“That the West Clare Municipal Authority would set up a meeting with the Kilrush Chamber of Commerce and any other interested parties with the view of promoting Kilrush as an industrial, commercial and Tourism Centre”

This Motion was seconded by Cllr. Lynch

In a written reply circulated J. Corry, Meetings Administrator, West Clare Municipal District replied that:-

I can arrange for such a meeting to be set up if agreed. Historically Kilrush Town Council held regular liaison meetings & communicated on a regular basis with Kilrush Chamber of Commerce, with the objective of promoting Kilrush. Following an invitation at the July meeting of the West Clare Municipal District the Local Enterprise Office (L.E.O) have advised that they are communicating on an ongoing basis with the key agencies to provide support and services to help start, grow and develop micro and small business. A representative from the L.E.O. will attend at the November meeting of the West Clare Municipal District.

Cllr. Chambers indicated that he was looking forward to the meeting as he felt that Kilrush needed to be promoted.

11. Notice of Motion submitted by Cllr. Slattery

“That Clare County Council request Telecom Eireann to remove the broken, vandalised and unused telephone kiosks on Main Street, Lahinch and on the Liscannor Road junction as they are no longer required and are being used as public toilets and for anti-social activity”

This Motion was seconded by Cllr. Keating

In a written reply circulated J. Corry, Meetings Administrator, West Clare Municipal District replied that:-

I will contact Eircom & advise them regarding this matter.

Cllr. Slattery indicated that this matter had been raised previously at meetings of the North Clare Area & that James Barry was very familiar with the matter as he had contacted Eircom regarding same. He indicated that it was mentioned that Clare Co Council would have to pay to have same removed. He added that Eircom were responsible for putting these kiosks there & that they should be responsible for removing them. J. Corry indicated that he was not aware that this matter had previously been raised & he added that he would liaise with J. Barry on the matter & report back to the members. Cllr. Nagle mentioned that J. Barry had done a great deal in trying to get Eircom to deal with this matter & that they were pushing the matter back to Clare Co Council if the kiosks were to be removed. He agreed that they were not being used & he suggested that Clare Co Council should not be responsible for removing same.

12. Notice of Motion submitted by Cllr. Slattery

“That Clare County Council commence a new footpath and kerbing programme for the town of Ennistymon, especially on Circular Road from the Community Centre to the junction on the N85 on both sides and on the Main Street from the AIB to Byrnes Restaurant as they are an eyesore in their present state and particularly in the interest of pedestrian safety.”

This Motion was seconded by Cllr. Keating

In a written reply circulated C. Feeney, A/SEE, West Clare Municipal District replied that:-

As part of the 2014 Roads Programme a number of sections of footpath in the town of Ennistymon have been identified for remediation works. These include (a) Opposite the Family Resource Centre, Ardnaculla (b) from Clare County Council offices on the Ennis Road to the Medical Centre (c) Circular road from the N85 junction to the Veterinary Clinic. Works have recently commenced on these sections of footpath and we will continue to maintain the remaining footpath network with the resources available.

Cllr. Slattery indicated that he was disappointed that there was no mention of the Main St in this response. He added that this stretch of footpath was in a very poor state.

It was agreed to move Item 25 at this point as it was a related Motion

25. Notice of Motion submitted by Cllr. Nagle

“I am proposing that Clare Co Council repair the surface of the footpath from the Bow Lane to the AIB bank in Ennistymon & to ensure that it is fully accessible for all users.”

This Motion was seconded by Cllr. Slattery

In a written reply circulated C. Feeney, A/SEE, West Clare Municipal District replied that:-

The repair of footpaths from Bow lane to the AIB in Ennistymon are not included in the 2014 Roadworks Programme. We will continue to maintain the road with the resources available.

Cllr. Nagle suggested that the A/SEE would inspect this stretch of footpath as a matter of urgency as it was a section of footpath that was greatly used and served a no of commercial businesses. He added that it was not wheelchair accessible, was uneven & many of the flagstones were loose. He indicated that this should be reviewed & included in the 2015 Programme. C. Feeney clarified that this section of footpath was on a National Secondary route & was the responsibility of the NRA to fund & that no funding had been provided for the towns. He added that there was an issue of these properties with underground basements & this would need to be assessed by him. He added that an application could be made to the NRA for funding re same again for 2015. Cllr. Nagle indicated that to repair the footpath should not cost a significant amount & should not impact on foundations.

13. Notice of Motion submitted by Cllr. Slattery

“That Clare County Council provide a roundabout or some functional form of traffic management at the Ennis Road, Mullagh Road and Spanish Point road / junction known as the Square in Miltown Malbay.”

This Motion was seconded by Cllr. Hillery

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

Clare County Council have previously put forward a roundabout design to the National Roads Authority but were unsuccessful in a funding application for this scheme. We continue to liaise with the NRA to find a suitable solution for this junction. The N67 approach roads to the town will benefit from a Road Safety scheme in the 2014 Roads Programme which will involve the installation of signs, road markings and speed detection signs.

Cllr. Slattery queried as to how long since a roundabout design had previously been put forward to the NRA? He indicated that there was mayhem at this junction and it was a miracle that an accident had not occurred at this location. This motion was supported by Cllrs Hillery & Curtin.

14. Notice of Motion submitted by Cllr. Hillery

“When will the repairs to Spanish Point beach be completed following the January/ February storms?”

This Motion was seconded by Cllr. Chambers

In a written reply circulated T. Tiernan, Senior Engineer, Transportation, Clare Co Council replied that:-

The works completed to date in Spanish Point include:

- *Reconstruction of decking and associated access steps.*
- *Some retaining wall construction.*
- *Footpath and bridge remediation works.*
- *Replacement of railings – currently ongoing.*

Outstanding works include kerbing and other relatively minor concrete works, fencing and more than 100m of retaining wall. The retaining wall is the single largest component of what remains outstanding.

Most of the damage in Spanish Point resulted from the storm which occurred on February 1st. Unfortunately, to date no response has emerged from Government in response to the Council's application for funding on foot of storms which occurred in February – a response to this application is being pursued vigorously. Unfortunately, it isn't possible at present to outline the clear position regarding when the outstanding works at Spanish Point will be completed – given the lack of clarity regarding the funding position.

Cllr. Hillery thanked & complimented Clare Co Council engineers & workmen for the works carried out. He recognized that the majority of the damage to Spanish Point was caused by the February storms & he indicated that it was extremely important that a decision would be made at national level re funding for the February storms to continue with the works. Cllr. Nagle agreed & suggested that the Cathaoirleach would write to the OPW & the DoECLG & seek clarification on the matter as it had been indicated to the Cllrs that the OPW had been advised that they had no funding to carry out new strengthening works for which Clare Co Co had submitted a claim of €2.2 million. A discussion then followed on the fact that Clare Co Council had been allocated €6.2 million in February 2014 to deal with works arising from the January storms & yet according to media reports very little of these monies had yet been recouped. A. Haugh clarified that Clare Co Council had not been in a position to draw down the majority of funds allocated as they had continuously sought clarification from the DoECLG & from the OPW as to when they would receive notification as to whether or not they would be in receipt of funding for the damage caused as a result of the February storms so that they could then put together a plan of action to deal with many of the areas that had been damaged by the January storms that were further damaged by the February storms. She added that Clare Co Council had spent about €3 million to date on storm related damage & she further advised that the OPW had approved a feasibility study to be carried out at Cloughaninchy. She added that it might be necessary to go down the road of having to seek permission from the OPW for feasibility studies through their minor works programme for each area for where strengthening works are proposed. She added that an SEE would be appointed by Clare Co Co in the coming weeks to co-ordinate the spending of the €6.2 million allocated by the OPW for repair works. She further advised that Clare Co Council required new strengthening works to complement the necessary repair works in order that monies would not be wasted on repair works. Cllr. Keating asked as to what works were carried out in Kilcredaun & Kilkee as these related to repair works. C. Feeney advised Clare Co Council took a decision to carry out some works in Kilkee notwithstanding that the damage had occurred in the February storms & he advised that €400k approx was spent on repairing walls, paving etc to try & get Kilkee ready for the tourist season. He advised that there was a far bigger problem to be rectified regarding the Sea wall on the Strand line & that there was a potential spend here of over €1million. He added that same would very shortly be going through the Part 8 planning process. Re Kilcredaun as per the OPW guidelines Clare Co Co can only spend on

projects damaged in the January storms until they had a clear idea as to what the level of funding would be. He added that storm damaged related road repairs would be carried out to the value of €1.3 million in the coming months & he anticipated that €5 to 6 million would be expended on storm related damage by the end of the year.

15. Notice of Motion submitted by Cllr. Hillery

“That the council would give a progress report on the feasibility study for Clohaninchy so that the required coastal protections works can proceed.”

This Motion was seconded by Cllr. Slattery

In a written reply circulated T. Tiernan, Senior Engineer, Transportation, Clare Co Council replied that:-

The application for funding to cover the cost of the feasibility and related studies pertaining to Cloughaninchy was submitted to the OPW and the OPW has within the past few days confirmed that it is in order to proceed to appoint consultants. The next step is to proceed to prepare a Brief and then procurement regulations have to be complied with to facilitate appointment of appropriate consultants.

We hope to have consultants appointed and studies underway before the end of the year and depending on the issues which arise, the timeframe involved in getting to a point where construction works would commence could vary considerably from 6 months upwards. In the circumstances, we are endeavouring to fast track the process in whatever way possible.

Cllr. Hillery welcomed the approval granted by the OPW for the feasibility study.

Cllr. Slattery asked the SEE that 800m south of Hogans house would be included in the feasibility study

16. Notice of Motion submitted by Cllr. Hillery

“When will Irish Water repair the sewerage pumping station at Quilty which was damaged in the February storm?”

This Motion was seconded by Cllr. Slattery

In a written reply circulated Carmel Greene, Senior Executive Officer, Water Services Department, Clare Co Council replied that:-

There was storm damage caused to two pumping stations in the Quilty area, both of which have been notified to Irish Water. The Cloughauninchy pumping station had much of its site and boundary walls removed by the storm of 3rd January and suffered damage to its electrical panel in the storm of 1st and 2nd February, but remained and continues to remain operational. The electrical panels are being replaced. In relation to the structural repairs that are required, Irish Water are dealing with this through their insurers with a view to having repair works carried out.

As this pumping station comes within the remit of the DBO contract, Irish Water will be liaising with the DBO contractor to get repairs done.

I have not as yet received a time scale for these works to be carried out.

Cllr. Hillery said as far as he understood that this was being repaired today so he was happy with this.

17. Notice of Motion submitted by Cllr. Lynch

“That the feasibility study carried out in 2006 on the old West Clare Railway line be reconsidered for the development of cycle and walk way route connecting Kilrush, Kilkee and Doonbeg , in the intern as a low cost solution, signage and minor repairs be completed to a designated network through the West Clare Bog roads to form a safe cycle way connecting these three towns and providing a safe and environmentally friendly transport network for both local and tourist traffic.”

This Motion was seconded by Cllr. Keating

In a written reply circulated Ian Chaplin, Sustainable Transport Officer, Clare Co Council replied that:-

Phase 1 of the West Clare Railway Greenway has been granted €450k funding subsequent to a detailed submission under the National Cycle Network scheme.

- *Phase 1 Ennis to Ballymaquiggin*
- *Phase 2 Ballymaquiggin to Corrofin*
- *Phase 3 Corrofin to Ennistimon*
- *Phase 4 is completed, Ennistimon and Lehinch*

In time and with suitable funding, the whole West Clare Railway line could be studied further to assess the viability of a Greenway type facility and I think that it would be a wonderful piece of infrastructure to have in the County.

If a suitable funding opportunity arises, this project will be considered but It is likely that applications for any future competitions on the National Cycle Network will be for Phases 2 and 3 as outlined above.

Cllr. Lynch indicated that the first part of the motion seemed to be dealt with & he asked if Mr. Chaplin would come out with the engineer to review the roads as part of the second part of his motion to make a case for signage as he felt these roads were very suitable.

18. Notice of Motion submitted by Cllr. Lynch

“As a result of economic change and reduction of HGV Traffic to Moneypoint that the original route from Killimer to Ennis and reverse be reinstated through Kilrush with appropriate signage highlighting both the designate traffic and HGV traffic routes through Kilrush.”

This Motion was seconded by Cllr. Curtin

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

I have reviewed the Average Annual Daily Traffic (AADT) on the N67 between Killimer and Kilrush. The recent figures available from the National Roads Authority for 2014 currently show an AADT of 1504 vehicles with a HGV percentage of 4.6%. For 2013 it was 1423 vehicles with a HGV percentage of 4.7%. The traffic volumes appear to be relatively consistent.

There is also a considerable amount of development both currently underway and planned in the vicinity of Moneypoint i.e between Killimer and Kilrush namely;

- *The completion of the Moneypoint retrofit project.*
- *The construction of an undersea 400kv connection to Limerick across the Shannon estuary.*
- *A windfarm project which has been granted planning permission for the ESB site in Moneypoint.*
- *There is currently a planning application lodged for an increased ash deposition area by the ESB for the Moneypoint power station.*
- *The Members were also briefed last year on a proposed container transfer port at Ballymacrinnan bay. This container port may also tie in with the recently announced Strategic Integrated Framework Plan for the Shannon Estuary which identified the deep water in the Moneypoint area for marine development.*

I am also mindful of the schools and residential area's in the town of Kilrush and the negative impact (noise and air pollution) an unnecessary increase in HGV and general traffic would create. Therefore I see no reason to alter signage at this time.

Cllr Lynch indicated that he was not satisfied with the response. He argued that the volume of HGV traffic had reduced in recent years. He added that tourists departing from the ferry follow the sign for Ennis & therefore do not pass through Kilrush and follow the Wild Atlantic Way. He further added that the same logic should apply here as did at Clonadrum when directing traffic to Kilrush through Kilkee along the National Secondary route. C. Feeney indicated that he did not see any logic in sending HGV's through the town of Kilrush. It was proposed by Cllr. Curtin & seconded by Cllr. Kelly that Cllr. Lynch would defer the motion & liaise with C. Feeney on the matter

19. Notice of Motion submitted by Cllr. Lynch

“Following the successful completion of the first phase of development on Kilrush Sport Facility that the next phase of pitch construction be commenced immediately using the previously allocated funds and required matching funds from Clare Co Co”

This Motion was seconded by Cllr. Curtin

In a written reply circulated J. Corry, Meetings Administrator, West Clare Municipal District replied that:-

Phase 1 of Kilrush Sports Complex has now been successfully completed with the construction of a 75m x 38m astro turf pitch together with fencing, flood lighting and CCTV. The surface of the pitch meets FIFA standard and is the best

surface of its kind in the county. The pitch was constructed at a cost of €309,000 incl. VAT. Kilrush Town Council provided €190,000 towards the cost of this pitch, (with monies ring fenced for this purpose between 2010 and 2012). Clare Co. Council are providing €60,000 with €59,000 being funded by a Sportnation grant secured from the Department of Transport, Tourism and Sport and Irish Public Bodies. Kilrush Town Council also funded the cost of the purchase of goals for the facility, the cost of professional fees incurred in designing the complex and the cost of upgrade works to the running track at Gallery Park. It has also recently been agreed by the Management Committee of Kilrush Sports Complex to carry out improvement works to Gallery Park Pitch at a cost of €20,000 plus VAT. It is planned to officially open the astro turf facility in the coming weeks and same will be managed by the Community & Enterprise Directorate in Clare Co Council who presently manage Clare Co. Council recreational facilities.

The next phase of development proposed is the upgrading of the grass pitch on lands leased from the Dept. of Education. This proposed phase comprises the provision of 2 No. grassed training pitches (100m x 80m) which will also incorporate one full size GAA pitch (140m x 80m). Kilrush Town Council went to tender on this phase of the development in May, 2012 and the project cost was €195,000 incl. VAT. Kilrush Town Council applied for grant aid for this phase of the development under both the Sportnation Programme (October, 2013) and under the 2014 Sports Capital Programme (February, 2014) and was unsuccessful on both occasions.

Before Kilrush Town Council was abolished they adopted a resolution in April, 2014 to ringfence funding of €200,000 for the development of future phases of Kilrush Sports Complex and in May, 2014 a further €150,000 was set aside as part of the adoption of the 2013 AFS. It was also agreed that Clare Co. Council would co-finance any development of Kilrush Sports Complex. In accordance with Circular 03/2009 it is necessary to obtain approval from the Department of the Environment, Community and Local Government for any capital expenditure and Kilrush Town Council received approval to spend €350,000 from its own capital resources in 2014 (which was spent on the Astro turf facility, Cappa Playground and works presently being undertaken at Gallery Park). It would therefore be necessary for Clare Co. Council to seek such approval from the DoECLG in order to spend capital resources on any future phases of development at Kilrush Sports Complex. It would also be necessary for Clare Co. Council to plan for any capital resources which it would be investing in Kilrush Sports Complex and same would need to be discussed in the context of Budget preparations for 2015.

It was agreed that this should be discussed at the Clare Co Council Budget meeting.

20. Notice of Motion submitted by Cllr. Curtin

“That the Council report on the recent Water Supply restrictions in the Kildysart & Corofin areas & the arrangements with Irish Water for rebate in Water Rates to the affected customers”

This Motion was seconded by Cllr. Chambers

In a written reply circulated Carmel Greene, Senior Executive Officer, Water Services Department, Clare Co Council replied that:-

There were two particular incidents that affected customers of the public water in the areas served by the Kildysart and the Corofin Public Water Supplies.

Regarding Kildysart, on 29th July 2014, the HSE in conjunction with Clare County Council and Irish Water advised, as a precautionary measure, that water on this scheme was not suitable for drinking due to the discolouration of the water caused by increased manganese levels in the public water supply. In the period following, the water quality improved as a result of the on-going modifications to the water treatment process. The customers of Kildysart and the Kildysart Coolmeen Group Water supply Scheme were affected and water tankers were made available for the four week period that the notice was in place.

Considerable work was done by the Council staff in this period to restore supplies included attending the plant, day and night, taking samples, adjusting plant functions, modification of the lake intake system, mains flushing and transporting samples for testing to Galway. This work was done to expedite the removal of the restrictions imposed by the HSE.

Regarding Corofin (and Ruan), the restriction on use of the public water supply was put in place following an alert by Council staff of an algal bloom in Inchiquin Lake, the source of the water supply, and examination by the Council and the HSE of the potential health risk associated with toxins from this algae. The algal bloom arose due to the extended period of dry weather, elevated temperatures and reduced water levels in the lake.

An estimated 1800 customers were affected. A plant shut-down was put in place within hours of noticing the change in the lake colour and departures from standards on test results carried out at the Treatment Plant. Pumping arrangements were put in place to provide an alternative supply from tankered water from Ennis to preserve water supply to both Ruan and Corofin. An emergency connection to the Toonagh/ Dysert Group Water supply scheme was put in place and again the Council crews worked at night and weekends to deal with the situation. Subsequent monitoring of flows, tankering, water quality and leak detection is ongoing and investigation into alternative supply lines and future preventative measures with a view to achieving best value for money is being researched.

I have asked Irish Water for their policy on rebates in water charges for the affected customers. As domestic water charges will not be introduced until 1st October 2014, they have advised that a rebate of water charges does not arise for the domestic customers. In relation to non-domestic customers who would

not have used the public supply in this period, they will only charged based on volumes of water actually used.

Cllr. Curtin complimented the trojan efforts by Clare Co Council staff to address this matter. He added that consumers were very tolerant & he was not satisfied that a rebate could not be provided. A Haugh added that Clare Co Co were in a service level agreement with Irish Water & she also wanted to recognize the efforts of Clare Co Council staff. She added that it was now up to Irish Water to review the situation & to put in place the necessary preventitive measures to prevent same from happening again. She added that the rebate issue would only be relevant to non domestic customers as there was no liability for domestic customers until 1st October 2014. She added that the approach taken by Clare Co Council in the past was that consumers were only paying for volumes of water used and that there was no precedent for compensating customers who had been inconvenienced. Cllr. Nagle queried as to whether or not the emergency connection would be maintained in the event of such an algal bloom scenario re-occurring in the Toonagh/Dysert area in the future.

21. Notice of Motion submitted by Cllr. Curtin

“That the Senior Executive Engineer arrange for an up-date review of outstanding improvement works on footpath & road re-surfacing in Miltown Malbay & if possible an indicative timeframe be provided for completion of same.”

This Motion was seconded by Cllr. Hillery

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

As part of the preparation works for the multi-annual Roads Programme towns and villages in the Municipal area are reviewed to determine required remedial works. In recent Roads Programmes remediation works have been carried out on a number of footpaths in Miltown Malbay mainly Church Road and the Ballard Road. Extensive roadworks have also been carried out on the approaches to the town on the N67, the R474 Ennis Road and the Mullagh and Ballard roads. It is difficult to give an exact timeframe for completion of the remaining works which primarily involve the Main street as funding for this section of road will be provided by the National Roads Authority.

Cllr. Curtin indicated that the main street in Miltown Malbay from the square to the church had not had improvements carried out in approximately 25 years. He mentioned that there were sections of defective footpath : on the Ennis rd near the post office, & on the main street & he asked if same could be reviewed. C. Feeney indicated that the funding needed to be received from the NRA as it was part of a National Secondary route & that they would continue to liaise with the NRA with a view to securing funding for same.

22. Notice of Motion submitted by Cllr. Curtin

“That road restoration be completed on L 2028-7 near Doonbeg church and in the interim temporary repairs be carried out”

This Motion was seconded by Cllr. Keating

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

We have recently carried out extensive remediation works on the L-2028-7 north of Doonbeg church. The section of road in the vicinity of the church is not in the current Roads Programme but we will continue to maintain the road with the resources available.

Cllr. Curtin indicated that he was satisfied with the response & that the works were carried out.

23. Notice of Motion submitted by Cllr. Nagle

“I am proposing that at least 2 meetings a year of the West Clare Municipal District are held in the Clare Co Council offices in Ennistymon”

This Motion was seconded by Cllr. Slattery

In a written reply circulated J. Corry, Meetings Administrator, West Clare Municipal District replied that:-

In accordance with section 6 of the adopted Standing Orders for the regulation of proceedings of meetings of the Municipal District of West Clare it was agreed that “In so far as practicable the place for holding meetings of the municipal district members shall be the Offices of the Municipal District of West Clare, Clare County Council, Town Hall, Kilrush, Co. Clare and meetings shall normally be held there, provided that the municipal district members may from time to time by resolution appoint an alternative location for a particular meeting. Subject to the requirement that not less than five members request that a meeting be held at a certain location same may be held at such location on giving a minimum of 10 days notice”

It was agreed that the November meeting of the Municipal District would take place in the Council offices in Ennistymon on 11th November.

24. Notice of Motion submitted by Cllr. Nagle

“I am proposing that Clare Co Council strengthen & surface dress the Fanta Larakea road from Larakea cross to Slattery's cross”

This Motion was seconded by Cllr. Curtin

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

The L-5084 at Fanta Glebe, Kilfenora is not included in the 2014 Roadworks Programme, we will continue to maintain the road with the resources available.

Cllr. Nagle indicated that he appreciated that these works were not provided for in the 2014 Roadworks Programme but he asked that consideration would be given to strengthening & resurfacing of the road 100metres west of Pappy O’ Donoghues & 100metres east & west of Anthony Carrig’s until funding became available for same under the Roadworks Programme. He said that these sections of the road were impassable at the moment.

26. Notice of Motion submitted by Cllr. Kelly

“That roadside signage which interferes with road users visibility of traffic be re-located”

This Motion was seconded by Cllr. Curtin

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

We will relocate any signage identified to us which interferes with safety of road users.

Cllr. Kelly indicated that he was satisfied with the response.

27. Notice of Motion submitted by Cllr. Kelly
“That approaches to Strasburgh bridge at Inch be made safer for pedestrians & general traffic”

This Motion was seconded by Cllr. Keating

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

To alleviate the constrictions and road geometry issues to better facilitate pedestrians and traffic at Strasburgh Bridge would require the development of a detailed design and the acquisition of land. We will forward the issue to our Road Design Dept for assessment.

Cllr. Kelly indicated that he was satisfied with the response.

28. Notice of Motion submitted by Cllr. Kelly
“That the road leading to the houses and farms of Donnelly's, O' Donoghues & Clancy's at Renappa, Lissycasey be taken over”

This Motion was seconded by Cllr. Keating

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

Since 2008 very significant changes have evolved in terms of funding, programme structure and expenditure management etc. Apart from the fact that overall funding levels have reduced considerably over the past five years, the severity of the 2009/'10 and 2010/'11 winters very much exacerbated the situation and as a result weather related damage over the period set the county's year on year programme back by approximately €10m in monetary terms.

This accentuates the realities that are challenging the Council in its endeavours to maintain and improve the network – therefore having regard to the foregoing Clare County Council is not in a position to take in charge the aforementioned road in the absence of the necessary budget to maintain same.

Any such proposal would be best considered in the context of an agreed countywide policy on taking in charge of local roads so as to ensure consistency of approach and adequate consideration of the financial implications. It would

therefore be recommended that this issue would be referred to the Planning Land Use & Transportation.SPC of Clare County Council.

Cllr. Kelly accepted C. Feeney's argument that there was a shortage of money but he didn't accept that because there was a shortage of money that anyone should be penalized because of the location of their residence. He added that it was a function of the Municipal District to declare a road to be public. A. Haugh clarified that indeed it was a function of the Municipal District in accordance with S 11 of the Roads Act 1993. She added that in following this procedure that the MD members needed to comply with three conditions one of which was that the MD members "need to consider the financial implications for the authority of the proposed declaration" She added that the question of considering to declare roads to be public roads had been raised at the previous West Clare MD meeting & it was likely also to be raised at other MD meetings & that the decisions reached would be having a cumulative effect on Co Council resources. She therefore suggested that a policy with a methodology & a budget should be agreed at SPC level. It was agreed by the members that a report would be furnished to them reporting on the necessary works required & costs involved in bringing any road suggested by them to be declared public before they would make any decision regarding same.

29. Notice of Motion submitted by Cllr. Keating

"To carry out re-surfacing & road markings at Ballyea on the L4168 at the junction adjacent to school, church, hall & GAA pitch & in the interest of Health & Safety to facilitate safety measures outside school to slow down traffic"

This Motion was seconded by Cllr. Nagle

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

We have carried out extensive road and bridge restoration works in the vicinity of Ballyea in recent years. We have provided additional lining and signing in front of the school / church and reduced the speed limit to 50km/h as part of the bi-annual speed limit review.

Any remaining issues with respect to traffic speed are a matter for the Gardai to enforce.

Cllr. Keating indicated that he was satisfied with the response

30. Notice of Motion submitted by Cllr. Keating

"To carry out road surfacing at lower Kilferagh near Fitzgeralds"

This Motion was seconded by Cllr. Nagle

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

We have carried out resurfacing works on the L-20123 at Lower Kilferagh as part of the 2014 Roads Programme.

Cllr. Keating indicated that he was satisfied with the response

31. Notice of Motion submitted by Cllr. Keating
“To resurface the L20301 known as the Pól a cheoil road”

This Motion was seconded by Cllr. Nagle

In a written reply circulated C. Feeney, A/SEE , West Clare Municipal District replied that:-

The L-20301 , Doonbeg, is not included in the 2014 Roadworks Programme. We will continue to maintain the road with the resources available.

Cllr. Keating indicated that he was not satisfied with the response & asked if the junction where the four roads meet could be considered for black top & a few signs.

32. Correspondence

Noted

33. Any other Business

Cllr. Kelly noted that the time prescribed by Standing Orders for the duration of the meeting had now been reached. He noted that a suspension of Standing Orders as per S 69 only facilitated “a motion proposed without notice for the purpose of enabling any specific business defined in the suspensory motion to be considered & dealt with by the municipal district members subject to the requirement that at least two-thirds of the members present vote in favour”. He therefore deemed the meeting had concluded.

Signed :

Cllr. P.J. Kelly

Cathaoirleach

Signed :

J. Corry

Meetings Administrator

Dated this the 11th day of November 2014.