

Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich Opposed

Councilwoman Slavick Aye – said, "I am not changing my position from two weeks ago. As I said, we had Judge Ceresia, he came, he looked at the Court, he and his staff reviewed and analysed our statistics. He made a recommendation and I believe we should go with his recommendation, I defer to his recommendation. Also, I would like to thank Judge Randall and Judge Bailey for the many, many hours that they put in night and day to serve in our Court and to take care of all those cases."

Councilman Pastore Aye – said, " I am in favor of the motion. Throughout my tenure on the Board we have seen a lot of motions come before us, often times different in the total tally. I was very hopeful this evening that this particular vote before us would be a unanimous vote in favor of the third judgeship. I spoke last meeting about the deference that I, in particular, and in my view, all the members of the Board, should give to individuals who are more expert than are we when they render opinions based upon facts. I think that Judge Ceresia's written letter that we referred to last meeting, was very concise, and was very compelling. He also supplemented that letter recently, in response, apparently, to a letter that Councilman Redlich had written to him. I afforded the members of this Board some additional time to do their own investigation and to review the statistics, both in favor, and against the proposed third judgeship. I am no less convinced now, than I was two weeks ago, for the necessity of a third judgeship. I think that there have been some troubling remarks that have been made, it's been an extremely emotional night for the members of the audience as well as the members of this Board, me in particular. But, I think that we have to stay with the concept of public safety. Supervisor Runion very aptly noted that when it comes to public safety there is no price that we should pay, that we should not be concerned with numbers. I do heartily disagree, Mr. Redlich, with your notion that whether it is a .05 or an Aggravated DWI, that certain policies that are currently in effect, that have been promulgated, that have been legislated, that have been well-considered by the Albany County District Attorney, should be reviewed by this Board. I do not believe that, with respect to the issuance of tickets by our police, that we have any discretion, whatsoever, as members of this Town Board to question that."

Councilman Grimm Aye – said, " Guilderland is going to be tough on drunk drivers whether we have two judges or three judges because we are not going to send the wrong signal to what has really been a profound tragedy in the American landscape. The issue of whether to have two or three is a separate issue. It is an issue of affordability. Of course we should look at the numbers, we should judge the numbers based on affordability. If the judge vote were tonight I would say no because of the economy, everybody is cutting back. I think it is reasonable to say this just authorizes the State; we get authorization from the State to consider this at a later point. I think that is the most reasonable course of action right now."

Supervisor Runion Aye – said, "I talked about the public safety issue and I talked about the economy of the position but I would be remiss if I didn't talk about Board members trying to influence policy decisions of police departments. That is an extremely dangerous situation. When Town Board members or a Town Board, which is the lowest form of government, we are dictated to by Federal and State law what we have to follow and what we have to enforce, we have no discretion otherwise. For us to start talking about adopting policies that would require our police department to either enforce or not enforce certain laws, regulations or restrictions takes us one step closer, to what I would describe, as a police state. That's wrong, that's not what we're here to do. And frankly, I would not sit here on a Board that would do such a thing. So, I want to send a message out to the public that I will not, under any circumstances, listen again to any comments, which direct or attempt to direct our police department on how they do their jobs. We put them through years of training, they go through years of experience, and that is what we have hired them to do, to enforce the law. That is their job, which is their discretion, it is not mine and it is not a Town Board member's.

BREAK: 9:37 PM

RETURN: 9:49 PM



Item #2 on the agenda concerned a resolution and authorized the Supervisor to sign an agreement for multi-modal aid in the sum of \$200,000.00 with the NYS Dept. of Transportation for Route 20 (Stuyvesant Plaza) storm drainage project.

Supervisor Runion explained that this is money that has been earmarked by Assemblyman McEneny for the Town to help with a project that will attempt to alleviate some of the flooding that occurs on Route 20 in the vicinity of Stuyvesant Plaza.

The improvements will improve the ability of the McKownville reservoir to hold storm drainage water; it will create a park like setting for McKownville residents around the reservoir and it will take into account a ten-year storm event. The project will be funded partially by the \$200,000.00 multi-modal money; an additional \$100,000.00 by DOT as a Betterment Project and Stuyvesant Plaza has agreed to donate \$100,000.00. The Town will also receive \$100,000.00 from the NYS Department of Parks and Recreation through a grant.

**MOTION #62** Councilman Redlich moved to **ADOPT THE FOLLOWING RESOLUTION AND AUTHORIZING THE**