



THE BUFFALO NEWS

 PRINT THIS

 Click to Print

[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

WEST SENECA

Judge lifts stay on vote to downsize Town Board

By Matt Gryta NEWS STAFF REPORTER

Updated: 10/18/08 6:51 AM

Kevin Gaughan won another round in court in his fight to force a vote to downsize the West Seneca Town Board. But a county election official said Gaughan's win could cause delays for all Erie County voters on Election Day.

Associate Justice Erin M. Peradotto on Friday temporarily lifted the Oct. 9 stay of a lower court's ruling to schedule the vote, a ruling which West Seneca officials appealed. Peradotto heard arguments in her Buffalo chambers because downsizing advocate Gaughan pressed for "expedited" appellate action in the case.

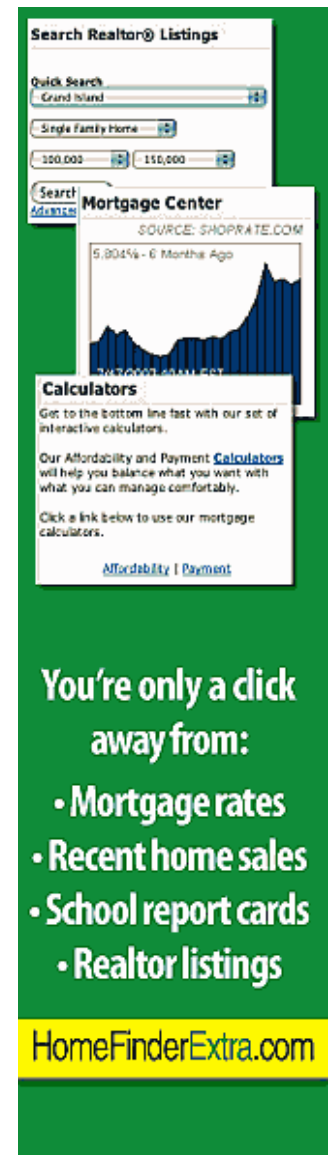
A jubilant Gaughan said after the hearing that the board's efforts to delay the appeal of the original ruling from State Supreme Court Justice Joseph D. Mintz "backfired." He said he will ask the board at its meeting Monday to "follow the law and schedule the date" of the public referendum which must be conducted by Nov. 17.

After a nearly hourlong closed chambers session Friday, Peradotto ordered Gaughan, attorneys for the town and the Erie County Board of Elections to file briefs by Tuesday in preparation for a hearing Oct. 27 before the full appellate court in Rochester.

Gaughan called Peradotto's ruling "another clear victory for citizens," but Election Commissioner Ralph M. Mohr said the action could lead to longer voting lines countywide on Nov. 4.

Mohr said he has to immediately set aside 50 of the county's 1,000 voting booths to handle the West Seneca referendum. Under state election law, all voting machines used in the Nov. 4 election have to be impounded for up to 30 days until the county votes are certified.

Mohr, who attended the session in Peradotto's chambers, said there are "substantial procedural problems" that prevent the West Seneca board downsizing referendum from being added to that town's voting machines for the Nov. 4 voting.



The advertisement is a vertical banner with a green background. At the top, it says 'Search Realtor® Listings' and 'Quick Search' with a search bar containing 'Grand Island'. Below that are filters for 'Single Family Home' and price ranges '100,000' to '150,000'. A 'Search' button is visible. Below the search bar is a 'Mortgage Center' section with a line graph showing mortgage rates over time, with a peak labeled '5.804% - 6 Months Ago'. Below the graph is a 'Calculators' section with text: 'Get to the bottom line fast with our set of interactive calculators. Our Affordability and Payment Calculators will help you balance what you want with what you can manage comfortably. Click a link below to use our mortgage calculators.' At the bottom of the green section is a yellow bar with the text 'HomeFinderExtra.com'.

Gaughan said Commissioner Mohr's complaint is with the board, not him.

Further court action could be moot if the board reverses itself Monday and agrees to schedule the vote.

If the vote is eventually scheduled and voters decide to reduce the board from five to three members, it would make West Seneca the largest town in the state to have a board with only three members. Over the past year, Gaughan has visited Erie County's 25 towns, 16 villages and three cities, urging them to eliminate two elected positions.

The Village of Lancaster adopted Gaughan's plan and is expected to ratify it in a November referendum, while the Village of North Collins has begun taking steps to dissolve. The Erie County Legislature is considering Gaughan's proposal to reduce its size from 15 to nine members.

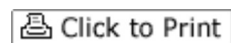
If the downsizing is approved by town voters, there would be no elections in November 2009 for the two board seats that would otherwise be on the ballot. Then, in November 2011, West Seneca voters would elect a town supervisor and two council members. Gaughan said more than 4,000 West Seneca taxpayers signed petitions allowing the downsizing vote.

Under the state's Town Law, voters must be given a chance to vote on a such a referendum within 75 days of its submission, making Nov. 17 the deadline for the West Seneca referendum.

mgryta@buffnews.com

Find this article at:

<http://www.buffalonews.com/cityregion/southernsuburbs/story/466974.html>



[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

☐ Check the box to include the list of links referenced in the article.