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Judge orders vote on West Seneca downsizing

By Matt Gryta - News Staff Reporter

Updated: 10/06/08 1:54 PM

A judge today ordered that a special election be held by Nov. 17 on the proposed downsizing of the West Seneca Town Board.

State Supreme Court Justice Joseph D. Mintz said the proposition's language is understandable for voters, rejecting arguments by the town and the Erie County Board of Elections that the wording of the proposition is too confusing.

Acting on a challenge by a West Seneca resident, the Board of Elections invalidated the signatures gathered by downsizing advocate Kevin Gaughan and his supporters on a petition calling for a Nov. 4 referendum on reducing the size of the Town Board from five members to three.

Because of the mandates of the state's Town Law, the county must stage a special vote on the proposition for West Seneca taxpayers by Nov. 17.

Gaughan called today's ruling "a victory for every Western New Yorker who wants to regain control of local government."

Gaughan said that under Mintz's ruling, the West Seneca Town Board must vote tonight on when between Nov. 2 and Nov. 17 it wants the proposition voted on.

Gaughan said he is recommending it be put on the Nov. 4 general election ballot despite complaints of the county election board, to save county taxpayers the expense of a special election just on the downsizing vote on the West Seneca board.

Kristin Klein Wheaton, the county election board's attorney, was unavailable to comment on a possible appeal of the Mintz ruling, according to her office.

Unless Mintz is overturned by the state's appellate courts, West Seneca taxpayers will vote on the proposition next month.

If the downsizing is approved by town voters, there would be no elections in November 2009 for the two Town

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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.

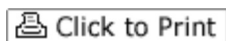
Gaughan last week expressed confidence that Mintz would give the judicial greenlight for the town vote next month, noting that last summer more than 4,000 town taxpayers signed petitions allowing the downsizing vote. That's about double the number of signatures needed to put the proposal on the ballot.

Though the Nov. 4 ballots already are prepared, under the state's Town Law, voters must be given a chance to vote on a proposal within 75 days of its submission to the affected municipal government, making Nov. 17 the deadline for the referendum.

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