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West Seneca delays action on bid to downsize Town Board

Board members await order to schedule vote

By Helen Jones and Matt Gryta NEWS STAFF REPORTERS

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Hours after a judge ordered a special election on whether to downsize the West Seneca Town Board, an attorney hired by the board said the decision would be delayed until the actual court order was received.

Timothy Greenan said that the board risked additional litigation if it moved forward with a motion by Supervisor Wallace Piotrowski to schedule the vote to coincide with the Nov. 4 election.

“It is improper to act tonight until the town has a court order,” Greenan said.

The board did vote to hold a special meeting within five days of receiving the court order.

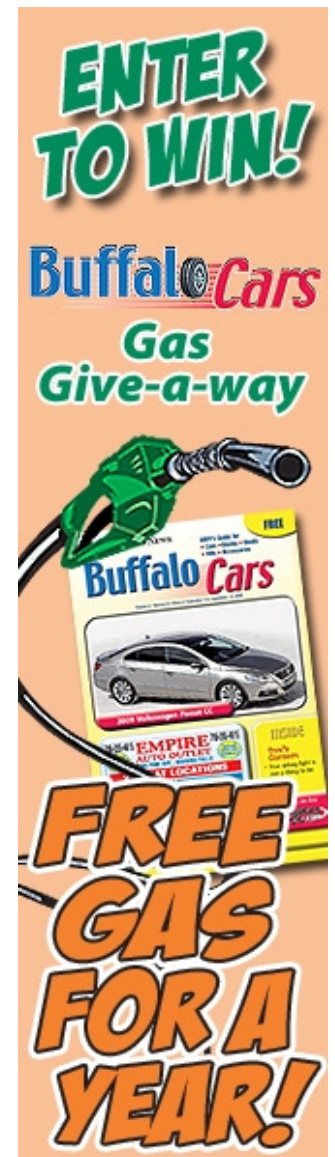
The decisions in a courtroom and the board room were the latest moves in a fight that started when regionalism advocate Kevin Gaughan led a townwide petition effort to get the downsizing question on the ballot.

Volunteers gathered more than 4,000 signatures after the Town Board refused to act on its own.

Acting on a challenge by West Seneca resident Daniel Warren, the Erie County Board of Elections had invalidated the signatures.

But in a ruling that said voters can understand the proposition’s language, State Supreme Court Justice Joseph D. Mintz rejected arguments by town officials and the Board of Elections that the wording was too confusing.

Gaughan hailed Mintz’s decision, calling it “a victory for every Western New Yorker who wants to regain control of local government.” He was not nearly as pleased with the board’s action later Monday.



“By my count, for the fifth time the Town Board has refused to schedule the referendum in accordance with the law and now a court order,” Gaughan said after the meeting. But he was cautiously optimistic about the agreement calling for the special Town Board meeting.

“We’re on our way,” he said. “The citizens will have their say.”

To save taxpayers the expense of a special election, Gaughan said he wanted the issue on the Nov. 4 general election ballot.

But that would involve “a cost to county taxpayers,” Ralph M. Mohr, the county’s GOP election commissioner, had warned earlier Monday.

Mohr said the Nov. 4 ballot had been “certified” — or finalized — and printed last Tuesday. Any change now would impose a cost on county government, while holding the election on a different day would limit the expense to West Seneca taxpayers, he said.

A Nov. 4 referendum, he said, would require reprinting all ballots and redeploying Elections Board resources.

Following Monday’s Town Board meeting, Piotrowski said voters want the initiative on the ballot. He accused Town Board members of dragging their feet “because they want to keep the status quo.”

After the meeting, Warren said he was confident Mintz’s ruling would be overturned on appeal.

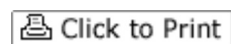
If the downsizing proposal goes before voters and passes, no election would be held in November 2009 for the two Town Board seats that otherwise would be on the ballot.

In November 2011, voters would elect a supervisor and two board members.

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