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West Seneca referendum blocked

Voters won't consider downsizing of board

By Maki Becker
News Staff Reporter

West Seneca voters will not vote this fall on whether they'd like to see their Town Board downsized.

Tuesday, the Appellate Division of State Supreme Court overturned an Oct. 8 ruling about the petition for a referendum that would have shrunk the Town Board from five members to three.

The court ruled that the lower court had incorrectly validated the petition, saying that the wording of the petition was "misleading" and that it would confuse voters.

Regionalism advocate Kevin P. Gaughan, who had been pushing to put the referendum on the ballot, said he disagreed with the Appellate Division's finding but respected the decision. He said he would not file an appeal.

Gaughan blasted West Seneca politicians for fighting the petition.

"I find it increasingly difficult to respect these people who went to the ends of the earth to try to deny citizens the right to decide the size and shape and cost of government and, in so doing, the future of this community," Gaughan said.

Gaughan had collected more than 4,000 signatures on petitions to put a measure on the November ballot that would have set a plan in motion to shrink the Town Board. The first plan was for the referendum to coincide with the general election Tuesday. It was later proposed to take place Nov. 17 at a special election.

If voters had approved the referendum, there would have been no election in November 2009 for the two Town Board seats up at that time. Then, in November 2011, voters would have been able to select a supervisor and two board members.

Earlier this fall, the Erie County Board of Elections invalidated the signatures Gaughan had collected, saying the

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language on the petition was unclear. The petition had said that the downsizing, if approved,

would have taken effect in 2012. Opponents argued that the downsizing would have started in 2010 after the skipped election in November 2009.

Gaughan challenged the Election Board's decision in court, and State Supreme Court Justice Joseph D. Mintz allowed the referendum to go on. The case then went to the Appellate Division, which reversed Mintz's ruling Tuesday after hearing arguments Monday.

West Seneca Councilman Vincent J. Graber Jr. disagreed with Gaughan's assertions that politicians were trying to stop the voters from having their say.

"I agree that the voters of West Seneca should have the opportunity to vote on this issue," Graber said.

"However, it's not going to be in conjunction with a misleading petition. . . . I believe that a better, more opportune time for the voters would be to vote on this next spring."

Graber said he is against downsizing because he believes that having fewer representatives will be less democratic and that the smaller government could affect the town's bond rating, which could end up costing more money to taxpayers.

He said that would give both proponents and opponents of downsizing the time to educate residents about the issue. Last week, the Town Board voted to put the downsizing plan on the ballot in the spring.

However, Gaughan was skeptical, saying the resolution had no teeth.

"To at this time, while paying lawyers with taxpayer money to go down to Rochester to appeal this and say, 'Well, we'll do it next spring,' I think there's a bridge in you-know-where they might want to sell you," Gaughan said.

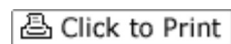
Gaughan vowed to collect enough signatures again to make sure the referendum was on March's ballot.

He also pointed out that Tuesday, voters in the Village of Lancaster will decide whether to shrink its government from six to four trustees.

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