

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
Special Meeting
October 2, 2018

Supervisor Sheila M. Meegan called the meeting to order at 6:30 P.M.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
William P. Hanley, Jr. Councilman
Absent - None

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution submitting the attached proposition to the Erie County Board of Elections for placement on the November 6, 2018 ballot:

WHEREAS, the Town of West Seneca is a Town of the First Class with a duly elected Town Board comprised of two (2) Councilpersons and one (1) Supervisor; and

WHEREAS, the Erie County Board of Elections is responsible for administering, conducting and supervising elections in political subdivisions and municipalities throughout the County of Erie, State of New York, including setting forth which questions appear on the ballot for consideration; and

WHEREAS, on Friday September 28, 2018 at 4:04 PM, a Petition was filed with the Town of West Seneca Town Clerk pursuant to New York State Town Law Section 81 and submitting a proposition to be presented to the electors of the Town of West Seneca to be voted on, such proposition being "Shall the number of councilmen be increased from two to four in the Town of West Seneca?"; and

WHEREAS, New York State Town Law Section 81 requires that such proposition be presented to the electors of the Town of West Seneca at an election to be held not less than sixty days, nor more than seventy-five days after filing of the Petition; and

WHEREAS, the Town of West Seneca has transmitted the Petition to the Erie County Board of Elections but a determination has not yet been made as to the validity of the Petition; and

WHEREAS, a General Election is scheduled to be held in the Town of West Seneca on November 6, 2018 and the statutorily required timing for an election on Petition would not take place at the General Election; and

WHEREAS, assuming *arguendo* the Petition is valid, it was not filed in a timely manner to be placed on the ballot for the General Election and a Special Election may be necessary to vote upon the Petitioned proposition; and

WHEREAS, the Town Board of West Seneca recognizes that special elections present a cost to the taxpayers and the Supervisor instructed the Town Attorney to determine whether costs could be saved and the matter placed on the ballot for the General Election; and

WHEREAS, pursuant to Town Law Section 94 the Town Board, upon its own motion, may cause to be submitted for the approval of the electors any act or resolution of such board against which a petition could be filed as provided in this chapter and the proceedings thereon shall be the same as if such petition had been filed in accord with the provisions of this chapter; and

WHEREAS, pursuant to New York State Election Law Section 4-114 the county board of elections, not later than the thirty-fifth day before the day of a primary or general election, or the fifty-third day before a special election, shall determine the candidates duly nominated for public office and the questions that shall appear on the ballot within the jurisdiction of that board of elections; and

WHEREAS, today is the deadline under New York State Election Law Section 4-114; and

WHEREAS, the Town and County Board of Elections have been working diligently to determine whether the taxpayer expense of a special election may be saved by including the proposition on the ballot for the General Election; and

WHEREAS, based upon the determination of the Town Attorney, the Town Board may adopt a resolution to be considered at the General Election and present the same to the Erie County Board of Elections to determine whether it chooses to place the proposition on the ballot; and

WHEREAS, the following resolutions are the recommendation of the Town Attorney as the most effective way to preserve the vote of the electors and taxpayer dollars;

NOW, THEREFORE, BE IT RESOLVED, that

1.) The Town Board cause to be submitted the following act/resolution to be presented to the electors of the Town of West Seneca to be voted on at the General election scheduled for November 6, 2018 and such proposition being:

"Shall the number of councilmen be increased from two to four in the Town of West Seneca?"

2.) Authorize the Town Clerk to immediately upon adoption transmit to the Erie County Board of Elections the following proposition/abstract:

"Shall the number of councilmen be increased from two to four in the Town of West Seneca?"

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adjourn the meeting at 6:37 P.M.

Ayes: All

Noes: None

Motion Carried