



Amherst Town Board

5583 Main Street
 Williamsville, NY 14221
 www.amherst.ny.us

Francina J. Spoth
 Town Clerk

Meeting: 06/22/26 07:00 PM
 Department: Town Attorney
 Initiated by: **Steven B. Bengart**
 Co-Sponsored by:

DOC ID: 31955

RESOLUTION 2026-477

Request for Public Hearing - Term Limits Local Law

AGENDA ITEM : JUNE 22ND, 2026

TO: Town Board

FROM: Steven B. Bengart, Esq., Town Attorney

DATE: June 16, 2026

**RE: Request For Public Hearing
 A Local Law To Amend Chapter 55 of the Code of the Town of
 Amherst, Term Limits**

Kindly adopt a resolution to set a Public Hearing for July 27, 2026 at 7:00 p.m. to adopt the attached Local Law.

The final version of this Local Law will be distributed to the Town Board at least ten (10) days before the public hearing as required by law and will also be made part of the July 27, 2026 Town Board agenda.

Thank you.

SBB:nmb

Attachment

c: Tim Koller, Deputy Town Clerk (*w/attachment, Agenda Item : June 22, 2026*)

FINANCIAL IMPACT:

None for the purposes of this resolution.

LOCAL LAW NO. ____ - 2026**TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK****A LOCAL LAW AMENDING CHAPTER 55 OF THE CODE OF THE TOWN OF AMHERST,
TERM LIMITS LAW**

BE IT ENACTED by the Town Board of the Town of Amherst, as follows:

§ 1. Title.

The title of this chapter shall be the "2026 Town of Amherst Term Limits Law."

§ 2. Legislative intent.

It is the intent of the Town Board of the Town of Amherst to expand participation in the electoral process and to bring new ideas to governance of the Town of Amherst. ~~To these ends, the Town Board of the Town of Amherst adopts this chapter to limit terms of office for elected officials in the Town of Amherst.~~ The Town Board of the Town of Amherst also recognizes that the Town's previous "Term Limits Law," adopted by the Town Board in Local Law # 10-2006, and codified at Chapter 55 of the Town Code of the Town of Amherst, is subject to challenge and likely unenforceable, because, as counseled by the holdings of the Appellate Division, Second Department, and the New York Court of Appeals in Hoehmann v. Town of Clarkstown, 216 A.D.3d 865 (2d Dep't), aff'd, 40 N.Y.3d 1 (2023), the previous "Term Limits Law" was never approved in a public referendum. In view of these circumstances, the Town Board of the Town of Amherst adopts this chapter to limit terms of office for elected officials in the Town of Amherst.

§ 3. Term limits established.

~~No elective officer of the Town of Amherst Town Supervisor or Town Council Member~~ of the Town of Amherst shall have more than two consecutive terms of four years each in the same public office. ~~No Town Clerk or Town Highway Superintendent of the Town of Amherst shall have more than three consecutive terms of four years each in the same public office.~~ For purposes of this chapter, "same public office" shall mean any and all public offices that are the same as the office that the elective public officer last held, and the elected offices of Town Supervisor, Town Council Member, Town Clerk and Town Highway Superintendent shall constitute different elected public offices. Any terms of office ~~held that began~~ prior to the November 2, 2027, general election shall not be counted for term limitation purposes.

Strikethrough = Deleted language; Underline = Added language

§ 4. Partial term of office.

Nothing contained herein shall prohibit an elective public officer in the Town of Amherst from holding either an elective or appointive partial term in the same elective public office, immediately prior to election to that elective public office for a full term. In that event, the partial term shall not be counted for purposes of the term limitation imposed by this chapter.

§ 5. Other elective office. State Action.

Any change in the duration of the term of office imposed by New York State law shall not be considered a partial term and shall count as a full term of office.

§ 5.6. Other elective office.

Nothing contained in this chapter shall prohibit an elective public officer from seeking, being elected to, or holding another and different elective public office in the Town of Amherst at the conclusion of a term of public office as required by this chapter.

§ 6.7. Exclusion.

Nothing contained in this chapter shall apply to the office of Town Justice of the Town of Amherst.

§ 7.8. Authority.

This chapter is enacted pursuant to § 10(1)(ii)(a) of the Municipal Home Rule Law of the State of New York which authorizes towns to adopt local laws concerning the mode of selection and terms of office of elected officials.

§ 9. Repealer.

Inasmuch as Local Law # 10-2006 of the Town of Amherst, adopted by the Town Board of the Town of Amherst on August 21, 2006, has taken effect, this chapter supersedes the provisions of said Local Law # 10-2006, which is hereby repealed.

§ 10. Referendum Required.

The provisions of this chapter shall remain inoperative in the Town of Amherst unless and until a proposition therefor submitted at a general or special election in such Town shall be approved by a vote of the majority of the qualified electors in such Town voting thereon. This chapter shall become effective immediately upon certification of the results of said election.

Francina J. Spoth, Town Clerk

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Town of Amherst

Attachment: LocalLaw.TB.RequestPH.TBAgenda6.22.2026 (RES-2026-477 : Request for Public Hearing - Term Limits Local Law)

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