

# STATE OF NEW YORK

8272

2021-2022 Regular Sessions

## IN ASSEMBLY

August 25, 2021

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general city law, the general municipal law, the public authorities law, the real property law, the town law and the village law, in relation to replacing all instances of the words councilman or councilmen with the words council member or council members

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3 of the general city law, as amended by chapter  
2 946 of the laws of 1964, is amended to read as follows:

3 § 3. Members of common council; appointments to other city offices.  
4 No member of the common council of any city shall, during the period for  
5 which he or she was elected, be capable of holding under the appointment  
6 or election of the common council any office the emoluments of which are  
7 paid from the city treasury, or paid by fees or compensation directed to  
8 be paid by any act or ordinance of the common council, but this section  
9 shall not affect the right to any fees or emoluments belonging to any  
10 office, provided, however, that in any city having a city manager or  
11 council-manager form of government in which a mayor and vice-mayor may  
12 be elected or appointed from the membership of its council, such mayor  
13 and vice-mayor may, in addition to the emoluments received as [~~council-~~  
14 ~~man~~] council member, receive compensation for their services from the  
15 city treasury as mayor and vice-mayor. An officer of any city who  
16 violates any provision of this section shall be guilty of a misdemeanor  
17 and on conviction thereof his or her office shall be vacant.

18 § 2. Subdivision 2 of section 88-a of the general municipal law, as  
19 separately amended by chapters 166 and 603 of the laws of 1979, is  
20 amended to read as follows:

21 2. In cities such board shall consist of the mayor, corporation coun-  
22 sel and such [~~councilmen~~] council members as may be designated by the  
23 council and in counties such board shall consist of the [~~chairman~~] chair

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 of the board of supervisors and such members thereof as shall be chosen  
2 by the board. In towns such board shall consist of the town supervisor  
3 and such members as the town council shall designate. In villages such  
4 board shall consist of the mayor and members designated by the board of  
5 trustees. In school districts, such board shall consist of the president  
6 of the board of education and such members thereof as shall be chosen by  
7 the board of education. In boards of cooperative educational services,  
8 such board shall consist of the president of the board of cooperative  
9 educational services and such members thereof as shall be chosen by the  
10 board of cooperative educational services.

11 § 3. Section 572 of the general municipal law, as amended by chapter  
12 805 of the laws of 1964, is amended to read as follows:

13 § 572. Binghamton urban renewal agency. A municipal urban renewal  
14 agency, to be known as the Binghamton urban renewal agency, is hereby  
15 established for the accomplishment of any or all of the purposes speci-  
16 fied in articles fifteen and fifteen-A of this chapter and in accordance  
17 with article eighteen of the constitution of the state of New York. It  
18 shall constitute a body corporate and politic, be perpetual in duration  
19 and consist of seven members including the mayor, the comptroller, the  
20 corporation counsel, city engineer, commissioner of public works and two  
21 members of the council of the city of Binghamton, provided however, that  
22 not more than one of such [~~councilmen~~] council members shall be of the  
23 same political party. It shall have the powers and duties now or here-  
24 after conferred by article fifteen-A of this chapter upon municipal  
25 renewal agencies. It shall be organized in the manner prescribed by and  
26 be subject to the provisions of article fifteen-A of this chapter and  
27 the agency, its members, officers and employees and its operations and  
28 activities shall in all respects be governed by the provisions of such  
29 article.

30 § 4. Section 581 of the general municipal law, as added by chapter 196  
31 of the laws of 1969, is amended to read as follows:

32 § 581. Rochester urban renewal agency. A municipal urban renewal agen-  
33 cy, to be known as the Rochester urban renewal agency, is hereby estab-  
34 lished for the accomplishment of any or all of the purposes specified in  
35 articles fifteen and [~~fifteen-a~~] fifteen-A of this chapter and in  
36 accordance with article eighteen of the constitution of the state of New  
37 York. It shall constitute a body corporate and politic, be perpetual in  
38 duration and consist of the nine [~~councilmen~~] council members of the  
39 city of Rochester, including the mayor who shall be [~~chairman~~] chair.  
40 It shall have the powers and duties now or hereafter conferred by arti-  
41 cle [~~fifteen-a~~] fifteen-A of this chapter upon municipal urban renewal  
42 agencies. It shall be organized in the manner prescribed by and be  
43 subject to the provisions of article [~~fifteen-a~~] fifteen-A of this chap-  
44 ter and the agency, its members, officers and employees and its oper-  
45 ations and activities shall in all respects be governed by the  
46 provisions of such article.

47 § 5. Section 593 of the general municipal law, as amended by chapter  
48 351 of the laws of 1965, is amended to read as follows:

49 § 593. Niagara Falls urban renewal agency. A municipal urban renewal  
50 agency, to be known as the Niagara Falls urban renewal agency, is hereby  
51 established for the accomplishment of any or all of the purposes speci-  
52 fied in articles fifteen and fifteen-A of this chapter and in accordance  
53 with article eighteen of the constitution of the state of New York. It  
54 shall constitute a body corporate and politic, shall be perpetual in  
55 duration, and shall consist of the mayor and all of the [~~councilmen~~]  
56 council members of the city of Niagara Falls, together with four members

1 to be appointed by the mayor with the concurring approval of the city  
2 council. It shall have the powers and duties now or hereafter conferred  
3 by article fifteen-A of this chapter upon municipal renewal agencies. It  
4 shall be organized in the manner prescribed by and be subject to the  
5 provisions of article fifteen-A of this chapter and the agency, its  
6 members, officers and employees and of its operations and activities  
7 shall in all respects be governed by the provisions of such article.

8 § 6. Section 616 of the general municipal law, as added by chapter 433  
9 of the laws of 1965, is amended to read as follows:

10 § 616. Utica urban renewal agency. An urban renewal agency, to be  
11 known as the Utica urban renewal agency, is hereby established for the  
12 accomplishment of any or all of the purposes specified in articles  
13 fifteen and fifteen-A of the chapter and in accordance with article  
14 eighteen of the constitution of the state of New York. It shall consti-  
15 tute a body, corporate and politic, be perpetual in duration and consist  
16 of seven members, including the mayor, who shall be [~~chairman~~] chair,  
17 the city engineer, the [~~chairman~~] chair of the city planning board, all  
18 of whose terms shall expire with the term of the mayor, two citizen  
19 electors, appointed by and to serve at the pleasure of the mayor and two  
20 members of the common council, appointed by the council, who shall not  
21 be of the same political party and each of whom shall serve until the  
22 expiration of his or her term of office as [~~councilman~~] council member.  
23 The treasurer of the agency shall be the comptroller who shall not be a  
24 member of the agency. It shall have the powers and duties now or here-  
25 after covered by article fifteen-A of this chapter upon municipal  
26 renewal agencies. It shall be organized in the manner prescribed by and  
27 be subject to the provisions of article fifteen-A of this chapter and  
28 the agency, its members, officers and employees and its operations and  
29 activities shall in all respects be covered by the provisions of such  
30 article.

31 § 7. Section 629 of the general municipal law, as added by chapter 56  
32 of the laws of 1966, is amended to read as follows:

33 § 629. Elmira urban renewal agency. An urban renewal agency, to be  
34 known as the Elmira urban renewal agency, is hereby established for the  
35 accomplishment of any or all of the purposes specified in articles  
36 fifteen and fifteen-A of this chapter and in accordance with article  
37 eighteen of the constitution of the state of New York. It shall consti-  
38 tute a body corporate and politic, be perpetual in duration and consist  
39 of the mayor, the six [~~councilmen~~] council members and the city manager  
40 in an ex-officio capacity. It shall have the powers and duties now or  
41 hereafter conferred by article fifteen-A of this chapter upon municipal  
42 renewal agencies. It shall be organized in the manner prescribed by and  
43 subject to the provisions of article fifteen-A of this chapter and the  
44 agency, its members, officers and employees and its operations and  
45 activities shall in all respects be covered by the provisions of such  
46 article.

47 § 8. Section 654 of the general municipal law, as amended by chapter  
48 573 of the laws of 1977, is amended to read as follows:

49 § 654. Huntington community development agency. A community develop-  
50 ment agency, to be known as the Huntington community development agency,  
51 is hereby established for the accomplishment of any or all of the  
52 purposes specified in articles fifteen and fifteen-A of this chapter and  
53 in accordance with article eighteen of the constitution of the state of  
54 New York. It shall constitute a body corporate and politic, be perpetual  
55 in duration and consist of five members, including the supervisor, who  
56 shall be its [~~chairman~~] chair, and the four town [~~councilmen~~] council

1 members, or their respective successors in office. It shall have the  
2 powers and duties now or hereafter conferred by article fifteen-A of  
3 this chapter upon municipal renewal agencies. It shall be organized in  
4 the manner prescribed by and be subject to the provisions of article  
5 fifteen-A of this chapter and the agency, its members, officers and  
6 employees and its operations and activities shall in all respects be  
7 governed by the provisions of such article.

8 § 9. Section 680-c of the general municipal law, as added by chapter  
9 480 of the laws of 1982, is amended to read as follows:

10 § 680-c. Town of Riverhead community development agency. For the bene-  
11 fit of the town of Riverhead and the inhabitants thereof, a community  
12 development agency, to be known as the TOWN OF RIVERHEAD COMMUNITY  
13 DEVELOPMENT AGENCY, is hereby established for the accomplishment of any  
14 or all of the purposes specified in articles fifteen and fifteen-A of  
15 this chapter. It shall constitute a body corporate and politic, and be  
16 perpetual in duration. It shall have the powers and duties now or here-  
17 after conferred by articles fifteen and fifteen-A of this chapter upon  
18 community development agencies and provided that the exercise of the  
19 powers by such agency with respect to the acquisition of real property  
20 whether by purchase, condemnation or otherwise, shall be limited to the  
21 corporate limits of the town of Riverhead, and such agency shall take  
22 into consideration the local zoning and planning regulations as well as  
23 the regional and local comprehensive land use plans. It shall be organ-  
24 ized in a manner prescribed by and be subject to the provisions of arti-  
25 cles fifteen and fifteen-A of this chapter. Its members shall consist of  
26 the supervisor of the town of Riverhead, who shall be its [~~chairman~~]  
27 chair and the four [~~councilmen~~] council members of the town of River-  
28 head. The agency, its members, officers and employees and its operations  
29 and activities shall in all respects be governed by the provisions of  
30 articles fifteen and fifteen-A of this chapter.

31 § 10. Subdivision 1 of section 1120-c of the public authorities law,  
32 as amended by chapter 564 of the laws of 1999, is amended to read as  
33 follows:

34 1. A public corporation to be known as the Clifton Park water authori-  
35 ty, is hereby created for the public purposes and charged with the  
36 duties and having the powers provided in this title. The authority shall  
37 be a body corporate and politic constituting a public benefit corpo-  
38 ration, the objects of which in the judgment of the legislature cannot  
39 be attained under general laws. The authority shall be governed by a  
40 board of five members, who shall be residents of the town of Clifton  
41 Park and be appointed by the Clifton Park town board. The first members  
42 shall be appointed for the following terms of office: the two most  
43 junior [~~councilmen or councilwomen~~] council members on the town board  
44 shall each appoint one member for a term ending on December thirty-first  
45 of the third year following the year in which this title shall have  
46 become law; the other two [~~councilmen or councilwomen~~] council members  
47 on the town board shall each appoint one member for a term ending on  
48 December thirty-first of the fourth year following the year in which  
49 this title shall have become law; and the town supervisor shall appoint  
50 a member for a term ending on December thirty-first of the fifth year  
51 following the year in which this title shall have become law. No elected  
52 officials shall be members of the water authority. Subsequent appoint-  
53 ments of members shall be made by a vote of the majority of the members  
54 of the town board for a term of five years ending in each case on Decem-  
55 ber thirty-first of the last year of such term. All members shall  
56 continue to hold office until their successors are appointed and quali-

fy. In no event shall more than three members belong to the same political party. Vacancies shall be filled in the manner provided for subsequent appointments. Vacancies, occurring otherwise than by expiration of term of office, shall be filled for the unexpired terms. Members may be removed from office for the same reasons and in the same manner as may be provided by law for the removal of officers of the town. They shall receive no reimbursement for the ordinary expenses of attending meetings, but may by resolution of the authority be allowed their expenses of a special or extraordinary nature.

§ 11. Subdivision 3 of section 298 of the real property law, as amended by chapter 978 of the laws of 1957, is amended to read as follows:

3. Before a justice of the peace, town ~~[councilman]~~ council member, village police justice or a judge of any court of inferior local jurisdiction, anywhere within the county containing the town, village or city in which he or she is authorized to perform official duties.

§ 12. Subdivision 1 of section 310 of the real property law, as amended by chapter 978 of the laws of 1957, is amended to read as follows:

1. When a certificate of acknowledgment or proof is made, within this state, by a commissioner of deeds, a justice of the peace, town ~~[councilman]~~ council member, village police justice, or a judge of any court of inferior local jurisdiction, such certificate does not entitle the conveyance so acknowledged or proved to be read in evidence or recorded in any county of this state except a county in which the officer making such certificate is authorized to act at the time of making the same, unless such certificate is authenticated by a certificate of the clerk of such county; provided, however, that all certificates of ~~[acknowledgment]~~ acknowledgment or proof, made by a commissioner of deeds of the city of New York residing in any part therein, shall be authenticated by the clerk of any county within said city, in whose office such commissioner of deeds shall have filed a certificate under the hand and seal of the city clerk of said city, showing the appointment and term of office of such commissioner; and no other certificates shall be required from any other officer to entitle such conveyance to be read in evidence or recorded in any county of this state.

§ 13. Subparagraphs 1, 2 and 3 of paragraph (b) of subdivision 2 and subdivision 6 of section 11 of the town law, as amended by chapter 738 of the laws of 1960, are amended to read as follows:

(1) In a town which has two justices of the peace and two town ~~[councilmen]~~ council members and the term of one of such justices of the peace and one of such town ~~[councilmen]~~ council members expires on December thirty-first following such election, one justice of the peace for a term of four years, two town ~~[councilmen]~~ council members for terms of four years each, and one town ~~[councilman]~~ council member for a term of two years;

(2) In a town which has two justices of the peace and two town ~~[councilmen]~~ council members and the term of office of both such justices of the peace expires on December thirty-first following such election, two justices of the peace for terms of four years each, and two town ~~[councilmen]~~ council members for terms of four years each;

(3) In a town which has two justices of the peace and two town ~~[councilmen]~~ council members and the term of office of both such town ~~[councilmen]~~ council members expires on December thirty-first following such election, two town ~~[councilmen]~~ council members for terms of four years

1 each, and two town [~~councilmen~~] council members for terms of two years  
2 each.

3 6. Town board. On and after the effective date of the change of clas-  
4 sification of such town, the supervisor and the town [~~councilmen~~] coun-  
5 cil members shall constitute the town board thereof. Such town board  
6 shall have all the powers and be subject to all the duties of a town  
7 board of a town of the first class.

8 § 14. Paragraph (b) of subdivision 4 and subdivision 8 of section 12  
9 of the town law, paragraph (b) of subdivision 4 as amended by chapter  
10 185 of the laws of 1957 and subdivision 8 as added by chapter 85 of the  
11 laws of 1942, are amended to read as follows:

12 (b) In addition to the officers specified in the preceding paragraph,  
13 there shall also be elected at such biennial town election in a town  
14 which has four or more justices of the peace but no town [~~councilman~~]  
15 council member on the first day of July immediately preceding such  
16 election: one justice of the peace for a term of four years, two town  
17 [~~councilmen~~] council members for terms of four years each, and two town  
18 [~~councilmen~~] council members for terms of two years each.

19 Any such town which on the first day of July preceding said biennial  
20 town election has three justices of the peace and one town [~~councilman~~]  
21 council member, shall elect at said biennial town election one justice  
22 of the peace for a term of four years, two town [~~councilmen~~] council  
23 members for terms of four years each and one town [~~councilman~~] council  
24 member for a term of two years, in addition to the officers specified in  
25 paragraph (a) of this subdivision.

26 Any such town which on the first day of July preceding said biennial  
27 town election has two justices of the peace and two town [~~councilmen~~]  
28 council members and the term of one of such justices of the peace and of  
29 one of such town [~~councilmen~~] council members expires on December thir-  
30 ty-first following such election, shall elect at such election one  
31 justice of the peace for a term of four years, two town [~~councilmen~~]  
32 council members for terms of four years each and one town [~~councilman~~]  
33 council member for a term of two years, in addition to the officers  
34 specified in paragraph (a) of this subdivision.

35 Any such town which on the first day of July preceding said biennial  
36 town election has two justices of the peace and two town [~~councilmen~~]  
37 council members and the term of office of both such justices of the  
38 peace expires on December thirty-first following such election, shall  
39 elect at such election two justices of the peace for terms of four years  
40 each and two town [~~councilmen~~] council members for terms of four years  
41 each, in addition to the officers specified in paragraph (a) of this  
42 subdivision.

43 Any such town which on the first day of July preceding said biennial  
44 town election has two justices of the peace and two town [~~councilmen~~]  
45 council members and the term of office of both such town [~~councilmen~~]  
46 council members expires on December thirty-first following such  
47 election, shall elect at such election two town [~~councilmen~~] council  
48 members for terms of four years each and two town [~~councilmen~~] council  
49 members for terms of two years each, in addition to the officers speci-  
50 fied in paragraph (a) of this subdivision.

51 8. Town board. On and after the effective date of the change of clas-  
52 sification of such town, the supervisor and the town [~~councilmen~~] coun-  
53 cil members shall constitute the town board thereof. Such town board  
54 shall have all the powers and be subject to all the duties of a town  
55 board of a town of the first class.

§ 15. Paragraphs (b) and (c) of subdivision 1, and subdivisions 5 and 5-a of section 20 of the town law, paragraph (b) of subdivision 1 as amended by chapter 688 of the laws of 2002, paragraph (c) of subdivision 1 as added by chapter 558 of the laws of 1963, subdivision 5 as added by chapter 751 of the laws of 1933 and subdivision 5-a as added by chapter 703 of the laws of 1972, are amended to read as follows:

(b) Except as otherwise provided by law, every town of the second class shall have a supervisor, two justices of the peace, two town ~~councilmen~~ council members, a town clerk, a town superintendent of highways, three assessors, a collector, and, if there be no town police department, as many constables as the town board may determine necessary. In any such town in which a town police department has been established pursuant to law, the town board may appoint not more than four civil officers who shall possess all the powers and duties of constables in civil actions and proceedings only, except that the town board of the town of Southold, county of Suffolk, may appoint four additional constables, who shall possess all the powers and duties of constables in civil and criminal actions and proceedings, solely for the benefit of Fishers Island located in such town; provided, however, that nothing in this paragraph shall be deemed to authorize such constables to carry, repair or dispose of a firearm unless the appropriate license therefore has been issued pursuant to section 400.00 of the penal law; and shall be paid no salary by the town board but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings. Every town of the second class may have in addition such other employees as the town board may determine necessary for the proper conduct of the affairs of the town. The supervisor, justices of the peace, town ~~councilmen~~ council members, town clerk, town superintendent of highways, assessors and collector in every such town shall be elected. All other town officers and employees in such a town shall be appointed by the town board, except as otherwise provided by law. Provided, however, that in a town having less than three hundred inhabitants according to the latest federal census and having a taxable property valuation of less than one hundred thousand dollars according to the latest assessment roll, there shall be elected one justice of the peace for a term of four years and one assessor for a term of two years, but no town ~~councilman~~ council member. Successors to such officers shall be elected for like terms at the biennial town election prior to the expiration of their terms of office. The clerk of the court of a town shall be employed and discharged from employment only upon the advice and consent of the town justice or justices.

(c) Notwithstanding the provisions of this section or the provisions of any other general or special law, in the town of Smithtown in the county of Suffolk, a proposition calling for the abolition of the office of justice of the peace within such town, as authorized by chapter two hundred seventy-eight of the laws of nineteen hundred fifty-eight, as amended by chapter eight hundred eleven of the laws of nineteen hundred sixty-two, constituting the Suffolk county charter, having been submitted to the electors of such town at the general election held in nineteen hundred sixty-two and having at such election received a majority of affirmative votes, the justices of the peace holding office in such town at the time of such vote shall continue in office until the end of the respective terms for which they were elected. At the general election immediately preceding the expiration of the term of the justice of the peace in such town whose term shall first expire an additional town ~~councilman~~ council member shall be elected, and at the general

1 election preceding the expiration of the term of the justice of the  
2 peace in such town whose term shall be the second such term to expire  
3 another additional town [~~councilman~~] council member shall be elected, so  
4 that thereafter such town shall have four town [~~councilmen~~] council  
5 members. Each town [~~councilman~~] council member so elected shall be  
6 elected for a term of four years and shall hold office during such term.

7 5. The term "officer" and/or "officers" whenever used in this chapter  
8 shall include the incumbents of the offices of supervisor, [~~councilman~~]  
9 council member, town clerk, justice of the peace, superintendent of  
10 highways, assessor, receiver of taxes and assessments and collector, or  
11 any of them.

12 5-a. The terms "[~~councilman~~] council member" and "[~~councilmen~~] council  
13 members" whenever used in this chapter shall include all persons [~~of the~~  
14 ~~male and female gender and those of the female gender shall be known and~~  
15 ~~designated as "councilwoman" and "councilwomen"~~] eligible to hold such  
16 office.

17 § 16. The opening paragraph of section 24 of the town law, as amended  
18 by chapter 293 of the laws of 1993, is amended to read as follows:

19 All elective officers other than town [~~councilmen~~] council members,  
20 town justices, receivers of taxes and assessors shall hold their respec-  
21 tive offices for two years. The terms of office of the town [~~councilmen~~]  
22 council members first elected after this chapter shall take effect and  
23 of the town [~~councilmen~~] council members first elected in a town which  
24 shall have changed its classification from that of a town of the second  
25 class to that of a town of the first class, shall be two years each for  
26 two town [~~councilmen~~] council members and four years each for two town  
27 [~~councilmen~~] council members, and thereafter at each biennial town  
28 election there shall be elected two town [~~councilmen~~] council members  
29 for terms of four years each.

30 § 17. Section 24-b of the town law, as added by chapter 888 of the  
31 laws of 1969, is amended to read as follows:

32 § 24-b. Election of [~~councilmen~~] council members and town justices in  
33 the town of Pawling. Notwithstanding the provisions of section twenty-  
34 four of this article or any other general or special law, the town board  
35 of the town of Pawling in Dutchess county, may by a resolution adopted  
36 at least ninety days prior to the general election to be held in Novem-  
37 ber of nineteen hundred sixty-nine, provide that at the general election  
38 to be held in November of nineteen hundred sixty-nine, one town [~~coun-~~  
39 ~~cilman~~] council member be elected for a term of two years and one town  
40 [~~councilman~~] council member be elected for a term of four years and  
41 thereafter at each biennial town election there shall be elected one  
42 town [~~councilman~~] council member for a term of four years. Such resol-  
43 ution may also provide that at the general election to be held in Novem-  
44 ber of nineteen hundred sixty-nine, one town justice be elected for a  
45 term of four years and thereafter at each biennial town election there  
46 shall be elected one town justice for a term of four years.

47 § 18. Section 60 of the town law, as added by chapter 739 of the laws  
48 of 1976, subdivision 2 as amended by chapter 123 of the laws of 1981, is  
49 amended to read as follows:

50 § 60. Town board constituted. 1. In every town the supervisor and the  
51 town [~~councilmen~~] council members shall constitute the town board and  
52 shall be vested with all the powers of such a town and shall possess and  
53 exercise all the powers and be subject to all the duties now or hereaft-  
54 er imposed by law upon town boards and town boards of health within such  
55 towns; but it is not intended to extend the power of said boards or  
56 officers within the limits of any incorporated village or city, or in

1 any manner to abridge or interfere with the power and authority of the  
2 officers of any such village or city within its corporate limits, except  
3 as otherwise provided by law.

4 2. In any town in which a town justice serves as a member of the town  
5 board, such town justice shall continue to serve as a member of the town  
6 board until the expiration of his or her term. Thereafter any town  
7 justice shall not be a member of the town board and a town [~~councilman~~]  
8 council member shall be elected as a member of such town board in place  
9 of such town justice except as otherwise provided by the town board by  
10 resolution adopted pursuant to the provisions of section sixty-a of this  
11 [~~chapter~~] article.

12 § 19. Section 60-a of the town law, as added by chapter 739 of the  
13 laws of 1976, subdivision 2 as amended by chapter 123 of the laws of  
14 1981, is amended to read as follows:

15 § 60-a. Removal of town justices from town board. 1. Notwithstanding  
16 any provision of this chapter or any other law to the contrary, in any  
17 town in which a town justice serves as a member of the town board, a  
18 vacancy shall be created and is hereby created on the town board upon  
19 the expiration of the term of office of such justice and the membership  
20 of such town board shall consist of a town supervisor and town [~~council-~~  
21 ~~men~~] council members and the vacancy on such town board created by the  
22 expiration of the term of the town justice shall be filled at the gener-  
23 al election preceding the expiration of the term of such justice by the  
24 election of a town [~~councilman~~] council member, unless the office of  
25 town [~~councilman~~] council member does not exist in such town. In the  
26 event the town board determines that [~~councilmen~~] council members should  
27 be elected biennially and in order to so provide, it is necessary that  
28 such [~~councilman~~] council member be elected for a single one year term  
29 or a single three year term, such town board may, by resolution provide  
30 that the town [~~councilman~~] council member elected to fill the vacancy  
31 created by the expiration of the term of town justice as town board  
32 member, shall be first elected for a single one or three year term as  
33 provided in such resolution and his or her successors shall thereafter  
34 be elected for four year terms.

35 Notwithstanding the provisions of this section, or any other law to  
36 the contrary, which provides that a town justice shall not constitute a  
37 member of the town board, such office of town justice shall continue and  
38 such town justice shall have all the powers and duties of a town justice  
39 as defined by the uniform justice court act and as otherwise provided by  
40 law. Such town justices shall continue to be elected as town justices  
41 except that such town justices shall not constitute members of the town  
42 board.

43 2. In the event the town board determines that it will be in the best  
44 interests of the town, such town board may, by the adoption of a resolu-  
45 tion, subject to permissive referendum, reduce the number of [~~council-~~  
46 ~~men~~] council members or town justices and provide that the term of such  
47 town [~~councilman~~] council member first elected shall be for a single two  
48 or four year term in order to provide for biennial town elections and  
49 his or her successor shall thereafter be elected for four year terms. In  
50 no event shall any town board constitute less than two town [~~councilmen~~]  
51 council members and the supervisor. The town board of any town in which  
52 the number of [~~councilmen~~] council members or justices has been reduced  
53 pursuant to this subdivision, may adopt a resolution, subject to permis-  
54 sive referendum, restoring one or two of the offices of [~~councilmen~~]  
55 council members or town justices previously reduced, provided, however,  
56 that the total number of town justices for such town including the

1 restored offices, shall not exceed the number provided in subdivision  
2 one of section twenty of this chapter. Such resolution shall provide for  
3 a two or four year term for the restored office of [~~councilman~~] council  
4 member in order to provide for biennial town elections, and his or her  
5 successor shall thereafter be elected for four year terms. The election  
6 of a [~~councilman~~] council member or town justice to the restored office  
7 shall take place at the biennial town election next succeeding the  
8 effective date of such resolution, for a term of office commencing Janu-  
9 ary first following the election.

10 § 20. Subdivision 2 of section 81 of the town law, paragraph (b) as  
11 amended by chapter 751 of the laws of 1933, paragraph (c) as amended by  
12 chapter 812 of the laws of 1935, and paragraph (d) as added by chapter  
13 374 of the laws of 1940, is amended to read as follows:

14 2. In any town of the first class:

15 (a) To increase the number of [~~councilmen~~] council members from four  
16 to six.

17 (b) To establish or abolish the ward system for the election of [~~coun-~~  
18 ~~cilmen~~] council members in towns having four or six [~~councilmen~~] council  
19 members.

20 (c) To decrease the number of [~~councilmen~~] council members from four  
21 to two.

22 (d) To increase the number of [~~councilmen~~] council members from two to  
23 four.

24 § 21. Section 85 of the town law is amended to read as follows:

25 § 85. Ward system for election of [~~councilmen~~] council members. 1.  
26 Whenever a proposition shall have been adopted in a town of the first  
27 class for the establishment of the ward system and the election there-  
28 after of one [~~councilman~~] council member from each ward, the board of  
29 elections of the county in which such town is situate shall divide the  
30 town into four wards and fix the boundaries thereof, unless a proposi-  
31 tion shall have been adopted to increase the number of [~~councilmen~~]  
32 council members from four to six, in which instance, the board of  
33 elections shall divide the town into six wards and fix the boundaries  
34 thereof. In so dividing the town into wards, no town election district  
35 shall be divided and no election district thereafter created under the  
36 election law shall contain parts of two or more wards. So far as possi-  
37 ble the division shall be so made that the number of voters in each ward  
38 shall be approximately equal. When the board of elections shall have  
39 finally determined the boundaries of the wards, they shall cause a map  
40 of the town to be prepared showing in detail the location of each ward  
41 and the boundaries thereof. The original map so made shall be filed in  
42 the office of the town clerk and copies thereof shall be filed in the  
43 offices of the county clerk and the board of elections of the county.  
44 The ward system shall be deemed established after such filing is  
45 complete. After a ward system shall have been so established, the term  
46 of office of every town [~~councilman~~] council member shall terminate on  
47 the thirty-first day of December next succeeding the first biennial town  
48 election held not less than one hundred twenty days after the establish-  
49 ment of such ward system, and at such biennial town election, and every  
50 biennial town election thereafter, one resident elector of each ward  
51 shall be elected as [~~councilman~~] council member therefrom for a term of  
52 two years beginning on the first day of January next succeeding such  
53 election.

54 2. The ward system may be abolished upon the adoption of a proposition  
55 therefor at any special or biennial town election. At the first biennial  
56 town election held at least one hundred twenty days after the adoption

1 of a proposition to abolish the ward system for election of [~~councilmen~~]  
2 council members, the electors of the town shall elect one-half of the  
3 total number of town [~~councilmen~~] council members for the term of two  
4 years each and one-half of the total number of town [~~councilmen~~] council  
5 members for the term of four years each. At each biennial town election  
6 held thereafter there shall be elected one-half of the total number of  
7 town [~~councilmen~~] council members for the term of four years each. The  
8 terms of all such [~~councilmen~~] council members shall begin on the first  
9 day of January next succeeding the date of their election.

10 § 22. Section 87 of the town law, as amended by chapter 374 of the  
11 laws of 1940, is amended to read as follows:

12 § 87. Increase or decrease of number of [~~councilmen~~] council members.

13 1. Whenever a proposition shall have been adopted in a town of the first  
14 class which shall not have established the ward system, to increase the  
15 number of [~~councilmen~~] council members from four to six, party nomi-  
16 nations for town [~~councilmen~~] council members may be made and designat-  
17 ing petitions filed and four town [~~councilmen~~] council members shall be  
18 elected at the first biennial town election held at least one hundred  
19 fifty days thereafter, three for a term of four years each and one for a  
20 term of two years and thereafter at each biennial town election in such  
21 town there shall be elected three town [~~councilmen~~] council members for  
22 the term of four years each, in the same manner as other elective town  
23 officers in such town. The term of office of each such [~~councilman~~]  
24 council member shall begin on the first day of January next succeeding  
25 the election at which he or she was elected.

26 2. Whenever a proposition shall have been adopted in a town of the  
27 first class which shall not have established the ward system, to  
28 increase the number of [~~councilmen~~] council members from two to four,  
29 party nominations for town [~~councilmen~~] council members may be made and  
30 designating petitions filed and three town [~~councilmen~~] council members  
31 shall be elected at the first biennial town election held at least one  
32 hundred fifty days thereafter, two for terms of four years each and one  
33 for a term of two years, and thereafter at each biennial town election  
34 in such town, there shall be elected two town [~~councilmen~~] council  
35 members for terms of four years each, in the same manner as other elec-  
36 tive town officers in such town. The term of office of each such town  
37 [~~councilman~~] council member shall begin on the first day of January next  
38 succeeding the election at which he or she was elected.

39 3. Whenever a proposition shall have been adopted in a town of the  
40 first class to reduce the number of [~~councilmen~~] council members from  
41 four to two, no town [~~councilmen~~] council members shall be elected at  
42 the first biennial town election held at least one hundred fifty days  
43 after the adoption of such proposition. Party nominations for town  
44 [~~councilmen~~] council members may be made and designating petitions filed  
45 and two town [~~councilmen~~] council members shall be elected at the bien-  
46 nial town election next succeeding the biennial town election at which  
47 no town [~~councilmen~~] council members are elected, one for a term of two  
48 years and one for a term of four years and thereafter at each biennial  
49 town election in such town there shall be elected one town [~~councilman~~]  
50 council member for a term of four years, in the same manner as other  
51 elective town officers in such town. The term of office of each such  
52 [~~councilman~~] council member shall begin on the first day of January next  
53 succeeding the election at which he or she was elected.

54 § 23. The section heading, and subdivisions 1, 2 and 3 of section 88  
55 of the town law, the section heading and subdivisions 2 and 3 as amended

1 by chapter 751 of the laws of 1954 and subdivision 1 as amended by chap-  
2 ter 561 of the laws of 1955, are amended to read as follows:

3 Reduction of number of justices of the peace and election of town  
4 [~~councilmen~~] council members. 1. Except in the town of Hector in the  
5 county of Schuyler, and except as hereinafter provided, in any town of  
6 the second class having more than two justices of the peace there shall  
7 be elected at the next biennial town election occurring after this act  
8 shall take effect and at every biennial town election held in such town  
9 thereafter, one justice of the peace and one town [~~councilman~~] council  
10 member for a term of four years each to begin on the first day of Janu-  
11 ary next succeeding the election at which such officers were elected.  
12 During the period between the first day of January next succeeding the  
13 biennial town election at which the first town [~~councilman~~] council  
14 member shall be so elected and the first day of January next succeeding  
15 the biennial town election at which a second town [~~councilman~~] council  
16 member shall be elected, the supervisor, the justices of the peace and  
17 the town [~~councilman~~] council member of such town shall constitute the  
18 town board thereof. On and after the first day of January next succeed-  
19 ing the biennial town election at which the second town [~~councilman~~]  
20 council member shall be elected, the supervisor, the two justices of the  
21 peace and the two town [~~councilmen~~] council members shall constitute  
22 such town board. Nothing herein contained shall be construed to abridge  
23 the term of a justice of the peace heretofore elected in any town.

24 2. Notwithstanding the provisions of subdivision one of this section,  
25 the town board of any town of the second class to which this section  
26 shall apply may, by resolution, direct that at the first biennial town  
27 election held after this act shall take effect, there shall be elected  
28 two town [~~councilmen~~] council members (but no justices of the peace  
29 except to fill a vacancy) for a term of four years each to begin on the  
30 first day of January next succeeding the election at which such officers  
31 were elected, instead of one justice of the peace and one town [~~council-~~  
32 ~~man~~] council member; and on and after the first day of January next  
33 succeeding the biennial town election at which such town [~~councilmen~~]  
34 council members shall be so elected the supervisor, the justices of the  
35 peace and the two town [~~councilmen~~] council members of such town shall  
36 constitute the town board thereof. At each biennial election at which no  
37 town [~~councilmen~~] council members are elected (except to fill a vacancy)  
38 two justices of the peace shall be elected for a term of four years each  
39 beginning on the first day of January next succeeding such election.

40 3. Notwithstanding the provisions of subdivision one of this section,  
41 the town board of any town of the second class to which this section  
42 shall apply may, by resolution, direct that at the first biennial town  
43 election held after this act shall take effect, there shall be elected  
44 two justices of the peace for a term of four years each to begin on the  
45 first day of January next succeeding the election at which such officers  
46 were elected, instead of one justice of the peace and one town [~~council-~~  
47 ~~man~~] council member; and on and after the first day of January next  
48 succeeding the biennial town election at which such justices of the  
49 peace shall be so elected the supervisor and the justices of the peace  
50 shall constitute the town board thereof. At the next biennial election  
51 thereafter, two town [~~councilmen~~] council members shall be elected for a  
52 term of four years each, in place of the two justices of the peace whose  
53 terms shall next expire, and the town board shall thereafter consist of  
54 the supervisor, two justices of the peace and two town [~~councilmen~~]  
55 council members.

56 § 24. Section 325 of the town law is amended to read as follows:

§ 325. Application of article. The villages and cities of this state shall be considered towns for the purpose of construing provisions of this article relating to strays; and the trustees of the village and the ~~aldermen~~ alderpersons, ~~councilmen~~ council members or members of the legislative body of the city shall be fence viewers therein for such purposes.

§ 25. Subdivision 3-a, paragraphs 1, 2, 5, 6 and 7 of subdivision 5-a, and subdivision 13 of section 341 of the town law, subdivisions 3-a and 13 as added by chapter 751 of the laws of 1933, paragraphs 1, 2, 5 and 6 of subdivision 5-a as added by chapter 859 of the laws of 1939, and paragraph 7 of subdivision 5-a as added by chapter 243 of the laws of 1940, are amended to read as follows:

3-a. Not later than June fifteenth, nineteen hundred thirty-three the town board of any town which is to be in the first class may adopt a resolution that the number of ~~councilmen~~ council members to be elected shall be reduced from four to two, which resolution shall be subject to referendum as herein provided. Within four days after the adoption of any such resolution, the town clerk shall cause copies thereof to be posted in ten public places of the town, with a statement of the date of its adoption. Within fourteen days after the adoption of such resolution, a petition may be filed requiring that such resolution be submitted to the electors of the town, for their approval. The form of the question to be submitted thereon shall be "Shall the resolution of the town board of the town of ....., that the number of ~~councilmen~~ council members to be elected be reduced from four to two, be approved?" If no such resolution shall have been adopted within the time above provided, a petition may be filed not later than June twenty-nine, nineteen hundred thirty-three, requiring the submission to such electors of the proposition "Shall the resolution of the town board of the town of ....., that the number of ~~councilmen~~ council members to be elected be reduced from four to two, be approved?" A petition for any of the above propositions shall be filed with the town clerk and shall be signed and duly acknowledged by at least one hundred electors of the town. The question or proposition for which the petition shall have been filed shall be submitted by the town board at a special town meeting to be held at a time, not later than August first, nineteen hundred thirty-three and at such place or places in the town as may be fixed by the town board. Notice of the meeting shall be given, such meeting held and the votes canvassed and results certified and returned in the manner provided by the provisions of the town law relating to special town meetings, as in force immediately prior to the taking effect of this section. Every elector of the town shall be entitled to vote at such meeting. If the town board shall have adopted such a resolution and no petition shall have been filed, within the time above provided, for a referendum thereon, or if a majority of the votes cast on any proposition or question submitted as herein provided be in the affirmative, such town shall have only two town ~~councilmen~~ council members and party nominations for such offices made, and designating petitions filed and two town ~~councilmen~~ council members shall be elected at the biennial town meeting in the year nineteen hundred thirty-three, one for a term of two years and one for a term of four years and thereafter at each biennial town election in such town there shall be elected one town ~~councilman~~ council member for a term of four years, in the same manner as other elective town officers in such town.

1. At the biennial town election to be held on the seventh day of November, nineteen hundred thirty-nine, and at each biennial town

election held thereafter in each town of the second class, except as otherwise provided herein, there shall be elected one justice of the peace for the full term prescribed by law and one town ~~councilman~~ council member for a term of four years to begin on the first day of January next succeeding the election at which he or she was elected, and party nominations for such offices shall be made and designating petitions may be filed and such officers shall be elected in the same manner as other elective officers in such town. During the period from January first, nineteen hundred forty until January first, nineteen hundred forty-two, the supervisor, the three justices of the peace and the town ~~councilman~~ council member of such town shall constitute the town board thereof. On the first day of January, nineteen hundred forty-two and thereafter, the supervisor, the two justices of the peace and the two town ~~councilmen~~ council members shall constitute such town board.

2. At the biennial town election to be held in the year nineteen hundred forty in each town in the county of Broome and at each biennial town election held in such towns thereafter, there shall be elected one justice of the peace for the full term prescribed by law and one town ~~councilman~~ council member for a term of four years to begin on the first day of January next succeeding the election at which he or she was elected, and party nominations for such offices shall be made and designating petitions may be filed and such officers shall be elected in the same manner as other elective town officers in such town. During the period from January first, nineteen hundred forty-one until January first, nineteen hundred forty-three, the supervisor, the three justices of the peace and the town ~~councilman~~ council member of such town shall constitute the town board thereof. On the first day of January, nineteen hundred forty-three and thereafter, the supervisor, the two justices of the peace and the two town ~~councilmen~~ council members shall constitute such town board.

5. Notwithstanding the provisions of paragraph one of this subdivision, the town board of any town required thereby to elect one justice of peace and one town ~~councilman~~ council member at the biennial election to be held on the seventh day of November, nineteen hundred thirty-nine, may adopt a resolution on or before but not later than the first day of July, nineteen hundred thirty-nine, determining that there shall be elected at the biennial town election of nineteen hundred thirty-nine, two justices of peace for the full term prescribed by law but no town ~~councilman~~ council member. If the town board shall adopt such a resolution, the town clerk shall cause a certified copy thereof to be filed in the office of the board of elections of said county on or before the tenth day of July, nineteen hundred thirty-nine, and party nominations for the offices of justice of peace shall be made and designating petitions may be filed and two justices of peace shall be elected at said biennial town election of nineteen hundred thirty-nine, in the same manner as other elective town officers in such town.

In any such town in which two justices of peace shall be so elected at the biennial town election held in the year nineteen hundred thirty-nine, there shall be elected at the biennial town election held in the year nineteen hundred forty-one and at every biennial town election thereafter, one justice of peace and one town ~~councilman~~ council member for the terms and in the manner prescribed in said paragraph one of this subdivision.

6. The town board of any town which shall have adopted a resolution pursuant to paragraph five of this subdivision, determining that two

1 justices of peace shall be elected at the biennial town election to be  
2 held on the seventh day of November, nineteen hundred thirty-nine, may  
3 also adopt a resolution on or before but not later than the first day of  
4 July, nineteen hundred thirty-nine, determining that the following  
5 proposition shall be submitted to the electors of such town at said  
6 biennial town election of nineteen hundred thirty-nine, to wit: "Shall  
7 the number of justices of peace in this town be reduced from four to two  
8 by the election of one justice of peace and one town [eouncilman] coun-  
9 cil member for terms of four years each at the biennial town elections  
10 to be held in the years nineteen hundred forty-one and nineteen hundred  
11 forty-three and at each biennial town election thereafter, and shall the  
12 town board of this town consist of the supervisor and such justices of  
13 peace and town [eouncilman] council member?" The town board shall give  
14 notice of the submission of such proposition and such proposition shall  
15 be submitted in the manner provided in article six of this chapter for  
16 the submission of propositions at special or biennial town elections.  
17 The polls shall remain open during the hours fixed for the election of  
18 town officers. Every elector of the town qualified to vote at such  
19 election for town officers shall be entitled to vote upon the foregoing  
20 proposition. The votes upon such proposition shall be canvassed and  
21 certified to the town clerk in the manner provided in section eighty-  
22 three of this chapter. If a majority of the votes cast in such town upon  
23 such proposition shall be in the affirmative, there shall be elected at  
24 the biennial town election held in the year nineteen hundred forty-one  
25 and at every biennial town election thereafter, one justice of peace and  
26 one town [eouncilman] council member for the terms and in the manner  
27 prescribed in paragraph one of this subdivision. If a majority of the  
28 votes cast in such town upon such proposition shall not be in the affir-  
29 mative there shall be elected at the biennial town election held in the  
30 year nineteen hundred forty-one and at every biennial town election  
31 thereafter, two justices of peace for the full term prescribed by law,  
32 but no town [eouncilman] council member.

33 7. Notwithstanding the provisions of paragraph two of this subdivi-  
34 sion, the town board of any town in the county of Broome required there-  
35 by to elect one justice of peace and one town [eouncilman] council  
36 member at the biennial election to be held in the year nineteen hundred  
37 forty, may adopt a resolution on or before but not later than the first  
38 day of July, nineteen hundred forty, determining that there shall be  
39 elected at the biennial town election of nineteen hundred forty, two  
40 justices of peace for the full term prescribed by law but no town [eoun-  
41 cilman] council member. If the town board shall adopt such a resolution,  
42 the town clerk shall cause a certified copy thereof to be filed in the  
43 office of the board of elections of said county on or before the tenth  
44 day of July, nineteen hundred forty, and party nominations for the  
45 offices of justice of peace shall be made and designating petitions may  
46 be filed and two justices of peace shall be elected at said biennial  
47 town election of nineteen hundred forty, in the same manner as other  
48 elective town officers in such town.

49 In any such town in which two justices of peace shall be so elected at  
50 the biennial town election held in the year nineteen hundred forty,  
51 there shall be elected at the biennial town election held in the year  
52 nineteen hundred forty-two and at every biennial town election thereaft-  
53 er, one justice of peace and one town [eouncilman] council member for  
54 the terms and in the manner prescribed in [said] paragraph two of this  
55 subdivision.

1 The town board of any town which shall have adopted a resolution  
2 pursuant to this paragraph, determining that two justices of peace shall  
3 be elected at the biennial town election to be held in the year nineteen  
4 hundred forty, may also adopt a resolution on or before but not later  
5 than the first day of July, nineteen hundred forty, determining that the  
6 following proposition shall be submitted to the electors of such town at  
7 said biennial town election of nineteen hundred forty, to wit: "Shall  
8 the number of justices of peace in this town be reduced from four to two  
9 by the election of one justice of peace and one town [~~councilman~~] coun-  
10 cil member for terms of four years each at the biennial town elections  
11 to be held in the years nineteen hundred forty-two and nineteen hundred  
12 forty-four and at each biennial town election thereafter, and shall the  
13 town board of this town consist of the supervisor and such justices of  
14 peace and town [~~councilman~~] council member or [~~councilmen~~] council  
15 members?" The town board shall give notice of the submission of such  
16 proposition and such proposition shall be submitted in the manner  
17 provided in article six of this chapter for the submission of proposi-  
18 tions at special or biennial town elections. The polls shall remain open  
19 during the hours fixed for the elections of town officers. Every elec-  
20 tor of the town qualified to vote at such election for town officers  
21 shall be entitled to vote upon the foregoing proposition. The votes upon  
22 such proposition shall be canvassed and certified to the town clerk in  
23 the manner provided in section eighty-three of this chapter. If a major-  
24 ity of the votes cast in such town upon such proposition shall be in the  
25 affirmative, there shall be elected at the biennial town election held  
26 in the year nineteen hundred forty-two, and at every biennial town  
27 election thereafter, one justice of peace and one town [~~councilman~~]  
28 council member for the terms and in the manner prescribed in paragraph  
29 two of this subdivision. If a majority of the votes cast in such town  
30 upon such proposition shall not be in the affirmative there shall be  
31 elected at the biennial town election in the year nineteen hundred  
32 forty-two and at every biennial town election thereafter, two justices  
33 of peace for the full term prescribed by law, but no town [~~councilman~~]  
34 council member.

35 13. Not later than June fifteenth, nineteen hundred thirty-three, the  
36 town board of any town containing a population of ten thousand or more  
37 as shown by the latest federal census, excepting towns in Broome and  
38 Suffolk counties, and of any other town which shall determine by any of  
39 the methods prescribed by subdivision one of this section to be a town  
40 of the first class, may adopt a resolution to establish the ward system  
41 for the election of [~~councilmen~~] council members for such town, which  
42 resolution shall be subjected to referendum as herein provided. Within  
43 four days after the adoption of such resolution, the town clerk shall  
44 cause copies thereof to be posted in ten public places in the town, with  
45 a statement of the date of its adoption. Within fourteen days after the  
46 adoption of such resolution, a petition may be filed requiring such  
47 resolution be submitted to the electors of the town, for their approval.  
48 The form of question to be submitted thereon shall be "Shall the resolu-  
49 tion of the town board of the town of ....., establishing the  
50 ward system for the election of town [~~councilmen~~] council members, be  
51 approved?" If no such resolution shall have been adopted within the  
52 time above provided, a petition may be filed not later than June twen-  
53 ty-ninth, nineteen hundred thirty-three, requiring the submission to  
54 such electors of the proposition "Shall the ward system be established  
55 for the election of town [~~councilmen~~] council members?" A petition for  
56 any of the above purposes shall be filed with the town clerk, and shall

1 be signed and duly acknowledged by at least one hundred electors of the  
2 town. The question or proposition for which a petition shall have been  
3 filed shall be submitted by the town board at a special town meeting to  
4 be held at a time, not later than August first, nineteen hundred thir-  
5 ty-three, and at such place or places in the town as may be fixed by the  
6 town board. Notice of the election shall be given, such meeting held and  
7 the votes canvassed and result certified and returned in the manner  
8 provided by provisions of the town law relating to special town meetings  
9 as in force immediately prior to the taking effect of this section.  
10 Every elector of the town shall be entitled to vote at such meeting. If  
11 the town board shall have adopted such a resolution and no petition  
12 shall have been filed, within the time above provided, for a referendum  
13 thereon, or if a majority of the votes cast on any proposition or ques-  
14 tion submitted as herein provided be in the affirmative, the board of  
15 elections of the county in which such town is situate shall forthwith  
16 divide the town into four wards and fix the boundaries thereof. In so  
17 dividing the town into wards, no town election district shall be divided  
18 and no election district shall contain parts of two or more wards. So  
19 far as possible the division shall be so made that the number of votes  
20 in each ward shall be approximately equal. When the board of elections  
21 shall have finally determined the boundaries of the wards, the board  
22 shall cause a map of the town to be prepared showing in detail the  
23 location of each ward and the boundaries thereof. The original map so  
24 made shall be filed in the office of the town clerk and copies thereof  
25 shall be filed in the offices of the county clerk and the board of  
26 elections of the county. The ward system shall be deemed established  
27 after such filing is complete. Party nominations shall be made, desig-  
28 nating petitions filed and one resident elector of each ward shall be  
29 elected as [~~councilman~~ council member] therefrom for a term of two years  
30 beginning on the first day of January next succeeding such election, at  
31 the biennial town meeting in the year nineteen hundred thirty-three, and  
32 biennially thereafter, in the same manner as other elective town offi-  
33 cers in such town.

34 § 26. Subdivision 4 of section 17-1703-a of the village law, as added  
35 by chapter 960 of the laws of 1977, the opening paragraph as amended by  
36 chapter 30 of the laws of 2013, is amended to read as follows:

37 4. In any case in which the proposition provided for in subdivision  
38 one of this section shall have resulted in favor of the local government  
39 operating principally as a town, then, at the regular village election  
40 next ensuing, all offices to be filled thereat shall be filled for terms  
41 to end at the conclusion of the then current calendar year. The term of  
42 office of each other elected village office shall also end at the  
43 conclusion of said then current calendar year, notwithstanding that any  
44 such term of office originally extended beyond such date. The offices of  
45 supervisor, four town [~~councilmen~~ council members] and two town justices  
46 shall be filled by election as hereinafter provided at the November  
47 general election next following the effective date of the creation of  
48 such town or annexation of such territory; all other town offices shall  
49 be appointive. The election of the supervisor, [~~councilmen~~ council  
50 members] and justices shall be for terms of office as follows:

51 (a) If such election is held in an odd-numbered year, then the term of  
52 office for supervisor shall be the term regularly provided by law; the  
53 terms of office for two [~~councilmen~~ council members] shall be the terms  
54 regularly provided by law and the terms for the other two [~~councilmen~~  
55 council members] shall be two years each; the term for each justice shall  
56 be the term regularly provided by law. Upon the expiration of the two

1 year term for [~~councilmen~~] council members as above provided, the terms for such offices shall be as regularly provided by law.

3 (b) If such election is held in an even-numbered year, then the term of office for supervisor shall be one year; the terms of office for  
5 [~~councilmen~~] council members shall be one year for two [~~councilmen~~]  
6 council members and three years for the other two [~~councilmen~~] council  
7 members and the terms of office for each justice shall be for the  
8 remainder of the then unexpired terms. Thereafter, each office shall be  
9 filled for the term regularly provided by law.

10 § 27. Subdivision 3 of section 17-1708 of the village law, as added by  
11 chapter 355 of the laws of 1975, is amended to read as follows:

12 3. In any village which has been or may hereafter be incorporated to  
13 embrace the entire territory of a town, the proposition proposed and  
14 submitted as provided in subdivision one of this section, may be in  
15 substantially the following form: "Shall the offices of town supervisor  
16 and town [~~councilman~~] council member, as presently constituted, be  
17 deemed vacant and the mayor and board of trustees of the village of  
18 \_\_\_\_\_hereafter constitute the supervisor and town board,  
19 respectively, of the town of \_\_\_\_\_for all purposes?" In case  
20 the said proposition be adopted by a majority of the electors of the  
21 said town voting thereon, the mayor of the said village, as the office  
22 shall be held from time to time, and the board of trustees of the said  
23 village, as the same shall be constituted from time to time, shall, from  
24 and after the first day of January next succeeding the date of said  
25 election, constitute the supervisor and town board of the said town for  
26 all purposes, and shall have all the rights, powers and duties thereof  
27 and neither the town clerk, nor the town justices of the said town,  
28 shall by virtue of their offices be members of the said town board. The  
29 town board of the said town as so organized shall keep a separate jour-  
30 nal of its proceedings and the town clerk shall be the clerk thereof.

31 § 28. This act shall take effect immediately.