## STATE OF NEW YORK

8272--A<br>2021-2022 Regular Sessions

## IN ASSEMBLY

August 25, 2021

Introduced by M. of A. WOERNER, JONES, GALEF, THIELE, SIMON, ABINANTI, MAGNARELLI, L. ROSENTHAL, BARRETT, GRIFFIN, MCDONALD, ENGLEBRIGHT, GOTTFRIED, GLICK, STIRPE, BRONSON, ROZIC, DINOWITZ, STECK, KELLES, O'DONNELL, LAWLER, SMITH, LUNSFORD -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 3 of the general city law, as amended by chapter 946 of the laws of 1964, is amended to read as follows:
§ 3. Members of common council; appointments to other city offices. No member of the common council of any city shall, during the period for which [he was] they were elected, be capable of holding under the appointment or election of the common council any office the emoluments of which are paid from the city treasury, or paid by fees or compensation directed to be paid by any act or ordinance of the common council, but this section shall not affect the right to any fees or emoluments belonging to any office, provided, however, that in any city having a city manager or council-manager form of government in which a mayor and vice-mayor may be elected or appointed from the membership of its council, such mayor and vice-mayor may, in addition to the emoluments received as [oouneilman] council member, receive compensation for their services from the city treasury as mayor and vice-mayor. An officer of any city who violates any provision of this section shall be guilty of a misdemeanor and on conviction thereof [his] their office shall be vacant.

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

LBD11989-02-1
§ 2. Subdivision 2 of section $88-a$ of the general municipal law, as separately amended by chapters 166 and 603 of the laws of 1979, is amended to read as follows:
2. In cities such board shall consist of the mayor, corporation counsel and such [eouncilmen] council members as may be designated by the council and in counties such board shall consist of the [ehairman] chair of the board of supervisors and such members thereof as shall be chosen by the board. In towns such board shall consist of the town supervisor and such members as the town council shall designate. In villages such board shall consist of the mayor and members designated by the board of trustees. In school districts, such board shall consist of the president of the board of education and such members thereof as shall be chosen by the board of education. In boards of cooperative educational services, such board shall consist of the president of the board of cooperative educational services and such members thereof as shall be chosen by the board of cooperative educational services.
§ 3. Section 572 of the general municipal law, as amended by chapter 805 of the laws of 1964, is amended to read as follows:
§ 572. Binghamton urban renewal agency. A municipal urban renewal agency, to be known as the Binghamton urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of seven members including the mayor, the comptroller, the corporation counsel, city engineer, commissioner of public works and two members of the council of the city of Binghamton, provided however, that not more than one of such [eouncilmen] council members shall be of the same political party. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.
§ 4. Section 581 of the general municipal law, as added by chapter 196 of the laws of 1969 , is amended to read as follows:
$\S 581$. Rochester urban renewal agency. A municipal urban renewal agency, to be known as the Rochester urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and [fifteen-z] fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of the nine [councilmen] council members of the city of Rochester, including the mayor who shall be [ehairman] chair. It shall have the powers and duties now or hereafter conferred by article [fifeen-a] fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article [fifteen-a] fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.
$\S 5$. Section 593 of the general municipal law, as amended by chapter 351 of the laws of 1965, is amended to read as follows:
§ 593. Niagara Falls urban renewal agency. A municipal urban renewal agency, to be known as the Niagara Falls urban renewal agency, is hereby
established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, shall be perpetual in duration, and shall consist of the mayor and all of the [eouneilmen] council members of the city of Niagara Falls, together with four members to be appointed by the mayor with the concurring approval of the city council. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and of its operations and activities shall in all respects be governed by the provisions of such article.
§ 6. Section 616 of the general municipal law, as added by chapter 433 of the laws of 1965, is amended to read as follows:
§ 616. Utica urban renewal agency. An urban renewal agency, to be known as the Utica urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of the chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body, corporate and politic, be perpetual in duration and consist of seven members, including the mayor, who shall be [chaixman] chair, the city engineer, the [ehairman] chair of the city planning board, all of whose terms shall expire with the term of the mayor, two citizen electors, appointed by and to serve at the pleasure of the mayor and two members of the common council, appointed by the council, who shall not be of the same political party and each of whom shall serve until the expiration of [his] their term of office as [ouneilman] council member. The treasurer of the agency shall be the comptroller who shall not be a member of the agency. It shall have the powers and duties now or hereafter covered by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be covered by the provisions of such article.
§ 7. Section 629 of the general municipal law, as added by chapter 56 of the laws of 1966, is amended to read as follows:
§ 629. Elmira urban renewal agency. An urban renewal agency, to be known as the Elmira urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of the mayor, the six [eouncilmen] council members and the city manager in an ex-officio capacity. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be covered by the provisions of such article.
§ 8. Section 654 of the general municipal law, as amended by chapter 573 of the laws of 1977, is amended to read as follows:
§ 654. Huntington community development agency. A community development agency, to be known as the Huntington community development agency,
is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members, including the supervisor, who shall be its [ehairman] chair, and the four town [eouncilmen] council members, or their respective successors in office. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.
§ 9. Section 680-c of the general municipal law, as added by chapter 480 of the laws of 1982, is amended to read as follows:
§ 680-c. Town of Riverhead community development agency. For the benefit of the town of Riverhead and the inhabitants thereof, a community development agency, to be known as the TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by articles fifteen and fifteen-A of this chapter upon community development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the town of Riverhead, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of articles fifteen and fifteen-A of this chapter. Its members shall consist of the supervisor of the town of Riverhead, who shall be its [ehairman] chair and the four [eouneilmen] council members of the town of Riverhead. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of articles fifteen and fifteen-A of this chapter.
$\S 10$. Subdivision 1 of section $1120-c$ of the public authorities law, as amended by chapter 564 of the laws of 1999 , is amended to read as follows:

1. A public corporation to be known as the Clifton Park water authority, is hereby created for the public purposes and charged with the duties and having the powers provided in this title. The authority shall be a body corporate and politic constituting a public benefit corporation, the objects of which in the judgment of the legislature cannot be attained under general laws. The authority shall be governed by a board of five members, who shall be residents of the town of Clifton Park and be appointed by the Clifton Park town board. The first members shall be appointed for the following terms of office: the two most junior [eouncilmen or eouncilwomen] council members on the town board shall each appoint one member for a term ending on December thirty-first of the third year following the year in which this title shall have become law; the other two [eouncilmen ox eouncilwomen] council members on the town board shall each appoint one member for a term ending on December thirty-first of the fourth year following the year in which this title shall have become law; and the town supervisor shall appoint a member for a term ending on December thirty-first of the fifth year
following the year in which this title shall have become law. No elected officials shall be members of the water authority. Subsequent appointments of members shall be made by a vote of the majority of the members of the town board for a term of five years ending in each case on December thirty-first of the last year of such term. All members shall continue to hold office until their successors are appointed and qualify. 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:
2. Before a justice of the peace, town [eouneilman] 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 is] they are authorized to perform official duties.
$\S$ 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:
3. When a certificate of acknowledgment or proof is made, within this state, by a commissioner of deeds, a justice of the peace, town [eouneilman] 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 [aeknowlledgment] 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 [eouneilmen] council members and the term of one of such justices of the peace and one of such town [eouncilmen] council members expires on December thirty-first following such election, one justice of the peace for a term of four years, two town [eouneilmen] council members for terms of four years each, and one town [eouncilman] council member for a term of two years;
(2) In a town which has two justices of the peace and two town [eouneilmen] 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 [eouneilmen] council members for terms of four years each;
(3) In a town which has two justices of the peace and two town [eeuneilmen] council members and the term of office of both such town [eeuneilmen] council members expires on December thirty-first following such election, two town [eouncilmen] council members for terms of four years each, and two town [eouncilmen] council members for terms of two years each.
4. Town board. On and after the effective date of the change of classification of such town, the supervisor and the town [ouneilmen] council members shall constitute the town board thereof. Such town board shall have all the powers and be subject to all the duties of a town board of a town of the first class.
§ 14. Paragraph (b) of subdivision 4 and subdivision 8 of section 12 of the town law, paragraph (b) of subdivision 4 as amended by chapter 185 of the laws of 1957 and subdivision 8 as added by chapter 85 of the laws of 1942, are amended to read as follows:
(b) In addition to the officers specified in the preceding paragraph, there shall also be elected at such biennial town election in a town which has four or more justices of the peace but no town [eouneilman] council member on the first day of July immediately preceding such election: one justice of the peace for a term of four years, two town [eouncilmen] council members for terms of four years each, and two town [eouncilmen] council members for terms of two years each.

Any such town which on the first day of July preceding said biennial town election has three justices of the peace and one town [eouncilman] council member, shall elect at said biennial town election one justice of the peace for a term of four years, two town [eouneilmen] council members for terms of four years each and one town [eouneilman] council member for a term of two years, in addition to the officers specified in paragraph (a) of this subdivision.

Any such town which on the first day of July preceding said biennial town election has two justices of the peace and two town [eouneilmen] council members and the term of one of such justices of the peace and of one of such town [eouncilmen] council members expires on December thir-ty-first following such election, shall elect at such election one justice of the peace for a term of four years, two town [eouneilmen] council members for terms of four years each and one town [eouneilman] council member for a term of two years, in addition to the officers specified in paragraph (a) of this subdivision.

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

Any such town which on the first day of July preceding said biennial town election has two justices of the peace and two town [eouneilmen] council members and the term of office of both such town [eouneilmen] council members expires on December thirty-first following such election, shall elect at such election two town [eouncilmen] council members for terms of four years each and two town [eouneilmen] council members for terms of two years each, in addition to the officers specified in paragraph (a) of this subdivision.
8. Town board. On and after the effective date of the change of classification of such town, the supervisor and the town [eouncilmen] council members shall constitute the town board thereof. Such town board shall have all the powers and be subject to all the duties of a town 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 [eouneilmen] 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 [eouneilmen] 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 [eouneilman] 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 [eouncilman] council member shall be elected, and at the general election preceding the expiration of the term of the justice of the peace in such town whose term shall be the second such term to expire another additional town [eouneilman] council member shall be elected, so that thereafter such town shall have four town [eouneilmen] council members. Each town [ounoilman] council member so elected shall be elected for a term of four years and shall hold office during such term.
5. The term "officer" and/or "officers" whenever used in this chapter shall include the incumbents of the offices of supervisor, [euneilman] council member, town clerk, justice of the peace, superintendent of highways, assessor, receiver of taxes and assessments and collector, or any of them.

5-a. The terms "[eouncilman] council member" and "[eouncilmen] council members" whenever used in this chapter shall include all persons [ 0 the male and female gendex and those of the female gendex shall be known and designated as "eouncilweman" and "eouneilwomen"] eligible to hold such office.
§ 16. The opening paragraph of section 24 of the town law, as amended by chapter 293 of the laws of 1993, is amended to read as follows:

All elective officers other than town [councilmen] council members, town justices, receivers of taxes and assessors shall hold their respective offices for two years. The terms of office of the town [eouneilmen] council members first elected after this chapter shall take effect and of the town [eouneilmen] council members first elected in a town which shall have changed its classification from that of a town of the second class to that of a town of the first class, shall be two years each for two town [eouneilmen] council members and four years each for two town [eouncilmen] council members, and thereafter at each biennial town election there shall be elected two town [councilmen] council members for terms of four years each.
§ 17. Section $24-\mathrm{b}$ of the town law, as added by chapter 888 of the laws of 1969, is amended to read as follows:
§ 24-b. Election of [ouncilmen] council members and town justices in the town of Pawling. Notwithstanding the provisions of section twentyfour of this article or any other general or special law, the town board of the town of Pawling in Dutchess county, may by a resolution adopted at least ninety days prior to the general election to be held in November of nineteen hundred sixty-nine, provide that at the general election to be held in November of nineteen hundred sixty-nine, one town [couneilman] council member be elected for a term of two years and one town [councilman] council member be elected for a term of four years and thereafter at each biennial town election there shall be elected one town [eouncilman] council member for a term of four years. Such resolution may also provide that at the general election to be held in November of nineteen hundred sixty-nine, one town justice be elected for a term of four years and thereafter at each biennial town election there shall be elected one town justice for a term of four years.
§ 18. Section 60 of the town law, as added by chapter 739 of the laws of 1976, subdivision 2 as amended by chapter 123 of the laws of 1981, is amended to read as follows:
§ 60. Town board constituted. 1. In every town the supervisor and the town [oouncilmen] council members shall constitute the town board and
shall be vested with all the powers of such a town and shall possess and exercise all the powers and be subject to all the duties now or hereafter imposed by law upon town boards and town boards of health within such towns; but it is not intended to extend the power of said boards or officers within the limits of any incorporated village or city, or in any manner to abridge or interfere with the power and authority of the officers of any such village or city within its corporate limits, except as otherwise provided by law.
2. In any town in which a town justice serves as a member of the town board, such town justice shall continue to serve as a member of the town board until the expiration of [his] their term. Thereafter any town justice shall not be a member of the town board and a town [eouneilman] council member shall be elected as a member of such town board in place of such town justice except as otherwise provided by the town board by resolution adopted pursuant to the provisions of section sixty-a of this [ehaptex] article.
§ 19. Section 60-a of the town law, as added by chapter 739 of the laws of 1976, subdivision 2 as amended by chapter 123 of the laws of 1981, is amended to read as follows:
§ 60-a. Removal of town justices from town board. 1. Notwithstanding any provision of this chapter or any other law to the contrary, in any town in which a town justice serves as a member of the town board, a vacancy shall be created and is hereby created on the town board upon the expiration of the term of office of such justice and the membership of such town board shall consist of a town supervisor and town [eouneilmen] council members and the vacancy on such town board created by the expiration of the term of the town justice shall be filled at the general election preceding the expiration of the term of such justice by the election of a town [eouneilman] council member, unless the office of town [eouneilman] council member does not exist in such town. In the event the town board determines that [eeuneilmen] council members should be elected biennially and in order to so provide, it is necessary that such [eouncilman] council member be elected for a single one year term or a single three year term, such town board may, by resolution provide that the town [eouncilman] council member elected to fill the vacancy created by the expiration of the term of town justice as town board member, shall be first elected for a single one or three year term as provided in such resolution and [his] their successors shall thereafter be elected for four year terms.

Notwithstanding the provisions of this section, or any other law to the contrary, which provides that a town justice shall not constitute a member of the town board, such office of town justice shall continue and such town justice shall have all the powers and duties of a town justice as defined by the uniform justice court act and as otherwise provided by law. Such town justices shall continue to be elected as town justices except that such town justices shall not constitute members of the town board.
2. In the event the town board determines that it will be in the best interests of the town, such town board may, by the adoption of a resolution, subject to permissive referendum, reduce the number of [eouneilmen] council members or town justices and provide that the term of such town [eouncilman] council member first elected shall be for a single two or four year term in order to provide for biennial town elections and [his] their successor shall thereafter be elected for four year terms. In no event shall any town board constitute less than two town [eouncilmen] council members and the supervisor. The town board of any town in
which the number of [eouncilmen] council members or justices has been reduced pursuant to this subdivision, may adopt a resolution, subject to permissive referendum, restoring one or two of the offices of [eouneilmen] council members or town justices previously reduced, provided, however, that the total number of town justices for such town including the restored offices, shall not exceed the number provided in subdivision one of section twenty of this chapter. Such resolution shall provide for a two or four year term for the restored office of [eouneilman] council member in order to provide for biennial town elections, and [his] their successor shall thereafter be elected for four year terms. The election of a [eouneilman] council member or town justice to the restored office shall take place at the biennial town election next succeeding the effective date of such resolution, for a term of office commencing January first following the election.
§ 20. Subdivision 2 of section 81 of the town law, paragraph (b) as amended by chapter 751 of the laws of 1933, paragraph (c) as amended by chapter 812 of the laws of 1935, and paragraph (d) as added by chapter 374 of the laws of 1940 , is amended to read as follows:
2. In any town of the first class:
(a) To increase the number of [eouneilmen] council members from four to six.
(b) To establish or abolish the ward system for the election of [eouneilmen] council members in towns having four or six [eouneilmen] council members.
(c) To decrease the number of [eouncilmen] council members from four to two.
(d) To increase the number of [eouncilmen] council members from two to four.
§ 21. Section 85 of the town law is amended to read as follows:
§ 85. Ward system for election of [ouneilmen] council members. 1. Whenever a proposition shall have been adopted in a town of the first class for the establishment of the ward system and the election thereafter of one [eouneilman] council member from each ward, the board of elections of the county in which such town is situate shall divide the town into four wards and fix the boundaries thereof, unless a proposition shall have been adopted to increase the number of [councilmen] council members from four to six, in which instance, the board of elections shall divide the town into six wards and fix the boundaries thereof. In so dividing the town into wards, no town election district shall be divided and no election district thereafter created under the election law shall contain parts of two or more wards. So far as possible the division shall be so made that the number of voters in each ward shall be approximately equal. When the board of elections shall have finally determined the boundaries of the wards, they shall cause a map of the town to be prepared showing in detail the location of each ward and the boundaries thereof. The original map so made shall be filed in the office of the town clerk and copies thereof shall be filed in the offices of the county clerk and the board of elections of the county. The ward system shall be deemed established after such filing is complete. After a ward system shall have been so established, the term of office of every town [eeuneilman] council member shall terminate on the thirty-first day of December next succeeding the first biennial town election held not less than one hundred twenty days after the establishment of such ward system, and at such biennial town election, and every biennial town election thereafter, one resident elector of each ward shall be elected as [eouncilman] council member therefrom for a term of
two years beginning on the first day of January next succeeding such election.
2. The ward system may be abolished upon the adoption of a proposition therefor at any special or biennial town election. At the first biennial town election held at least one hundred twenty days after the adoption of a proposition to abolish the ward system for election of [eouncilmen] council members, the electors of the town shall elect one-half of the total number of town [eouneilmen] council members for the term of two years each and one-half of the total number of town [eounilmen] council members for the term of four years each. At each biennial town election held thereafter there shall be elected one-half of the total number of town [eouncilmen] council members for the term of four years each. The terms of all such [eouneilmen] council members shall begin on the first day of January next succeeding the date of their election.
§ 22. Section 87 of the town law, as amended by chapter 374 of the laws of 1940, is amended to read as follows:
§ 87. Increase or decrease of number of [eouncilmen] council members. 1. Whenever a proposition shall have been adopted in a town of the first class which shall not have established the ward system, to increase the number of [eouneilmen] council members from four to six, party nominations for town [eouneilmen] council members may be made and designating petitions filed and four town [eouncilmen] council members shall be elected at the first biennial town election held at least one hundred fifty days thereafter, three for a term of four years each and one for a term of two years and thereafter at each biennial town election in such town there shall be elected three town [councilmen] council members for the term of four years each, in the same manner as other elective town officers in such town. The term of office of each such [eouncilman] council member shall begin on the first day of January next succeeding the election at which [he-was] they were elected.
2. Whenever a proposition shall have been adopted in a town of the first class which shall not have established the ward system, to increase the number of [eouneilmen] council members from two to four, party nominations for town [eouneilmen] council members may be made and designating petitions filed and three town [councilmen] council members shall be elected at the first biennial town election held at least one hundred fifty days thereafter, two for terms of four years each and one for a term of two years, and thereafter at each biennial town election in such town, there shall be elected two town [eouneilmen] council members for terms of four years each, in the same manner as other elective town officers in such town. The term of office of each such town [eouneilman] council member shall begin on the first day of January next succeeding the election at which [he-was] they were elected.
3. Whenever a proposition shall have been adopted in a town of the first class to reduce the number of [eouncilmen] council members from four to two, no town [eouncilmen] council members shall be elected at the first biennial town election held at least one hundred fifty days after the adoption of such proposition. Party nominations for town [eouncilmen] council members may be made and designating petitions filed and two town [eouneilmen] council members shall be elected at the biennial town election next succeeding the biennial town election at which no town [eouncilmen] council members are elected, 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 [eouncilman] council member for a term of four years, in the same manner as other elective town officers in such town. The term of office of each such
[eouncilman] council member shall begin on the first day of January next succeeding the election at which [hewas] they were elected.
§ 23. The section heading, and subdivisions 1,2 and 3 of section 88 of the town law, the section heading and subdivisions 2 and 3 as amended by chapter 751 of the laws of 1954 and subdivision 1 as amended by chapter 561 of the laws of 1955, are amended to read as follows:

Reduction of number of justices of the peace and election of town [eouncilmen] council members. 1. Except in the town of Hector in the county of Schuyler, and except as hereinafter provided, in any town of the second class having more than two justices of the peace there shall be elected at the next biennial town election occurring after this act shall take effect and at every biennial town election held in such town thereafter, one justice of the peace and one town [eouneilman] council member for a term of four years each to begin on the first day of January next succeeding the election at which such officers were elected. During the period between the first day of January next succeeding the biennial town election at which the first town [eouneilman] council member shall be so elected and the first day of January next succeeding the biennial town election at which a second town [ouneilman] council member shall be elected, the supervisor, the justices of the peace and the town [eouncilman] council member of such town shall constitute the town board thereof. On and after the first day of January next succeeding the biennial town election at which the second town [eouneilman] council member shall be elected, the supervisor, the two justices of the peace and the two town [eouncilmen] council members shall constitute such town board. Nothing herein contained shall be construed to abridge the term of a justice of the peace heretofore elected in any town.
2. Notwithstanding the provisions of subdivision one of this section, the town board of any town of the second class to which this section shall apply may, by resolution, direct that at the first biennial town election held after this act shall take effect, there shall be elected two town [eouneilmen] council members (but no justices of the peace except to fill a vacancy) for a term of four years each to begin on the first day of January next succeeding the election at which such officers were elected, instead of one justice of the peace and one town [eouncilman] council member; and on and after the first day of January next succeeding the biennial town election at which such town [eouneilmen] council members shall be so elected the supervisor, the justices of the peace and the two town [eouneilmen] council members of such town shall constitute the town board thereof. At each biennial election at which no town [eouneilmen] council members are elected (except to fill a vacancy) two justices of the peace shall be elected for a term of four years each beginning on the first day of January next succeeding such election.
3. Notwithstanding the provisions of subdivision one of this section, the town board of any town of the second class to which this section shall apply may, by resolution, direct that at the first biennial town election held after this act shall take effect, there shall be elected two justices of the peace for a term of four years each to begin on the first day of January next succeeding the election at which such officers were elected, instead of one justice of the peace and one town [eouneilman] council member; and on and after the first day of January next succeeding the biennial town election at which such justices of the peace shall be so elected the supervisor and the justices of the peace shall constitute the town board thereof. At the next biennial election thereafter, two town [eouncilmen] council members shall be elected for a term of four years each, in place of the two justices of the peace whose
terms shall next expire, and the town board shall thereafter consist of the supervisor, two justices of the peace and two town [eouncilmen] council members.
§ 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, [ouncilmen] 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 [ouncilmen] 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 [eouneilmen] 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 [eouncilmen] 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 thir-ty-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 [eouneilmen] council members and party nominations for such offices made, and designating petitions filed and two town [eouneilmen] 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
[eouncilman] 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 [eouncilman] council member for a term of four years to begin on the first day of January next succeeding the election at which [he was] they were 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 [eouncilman] 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 [eouneilmen] 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 was] they were 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 [eouneilman] 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 [eouncilmen] council members shall constitute such town board.
3. 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 [oouneilman] 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 thir-ty-nine, two justices of peace for the full term prescribed by law but no town [eouncilman] 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 thirtynine, 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 [eouneilman] 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 justices of peace shall be elected at the biennial town election to be held on the seventh day of November, nineteen hundred thirty-nine, may also adopt a resolution on or before but not later than the first day of July, nineteen hundred thirty-nine, determining that the following proposition shall be submitted to the electors of such town at said biennial town election of nineteen hundred thirty-nine, to wit: "Shall the number of justices of peace in this town be reduced from four to two by the election of one justice of peace and one town [eouncilman] council member for terms of four years each at the biennial town elections to be held in the years nineteen hundred forty-one and nineteen hundred forty-three and at each biennial town election thereafter, and shall the town board of this town consist of the supervisor and such justices of peace and town [eouneilman] council member?" The town board shall give notice of the submission of such proposition and such proposition shall be submitted in the manner provided in article six of this chapter for the submission of propositions at special or biennial town elections. The polls shall remain open during the hours fixed for the election of town officers. Every elector of the town qualified to vote at such election for town officers shall be entitled to vote upon the foregoing proposition. The votes upon such proposition shall be canvassed and certified to the town clerk in the manner provided in section eightythree of this chapter. If a majority of the votes cast in such town upon such proposition shall be in the affirmative, 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 [eouncilman] council member for the terms and in the manner prescribed in paragraph one of this subdivision. If a majority of the votes cast in such town upon such proposition shall not be in the affirmative there shall be elected at the biennial town election held in the year nineteen hundred forty-one and at every biennial town election thereafter, two justices of peace for the full term prescribed by law, but no town [eouneilman] council member.
7. Notwithstanding the provisions of paragraph two of this subdivision, the town board of any town in the county of Broome required thereby to elect one justice of peace and one town [eouneilman] council member at the biennial election to be held in the year nineteen hundred forty, may adopt a resolution on or before but not later than the first day of July, nineteen hundred forty, determining that there shall be elected at the biennial town election of nineteen hundred forty, two justices of peace for the full term prescribed by law but no town [eouneilman] 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 forty, 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 forty, 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 forty, there shall be elected at the biennial town election held in the year nineteen hundred forty-two and at every biennial town election thereaft-
er, one justice of peace and one town [eouncilman] council member for the terms and in the manner prescribed in [aid] paragraph two of this subdivision.

The town board of any town which shall have adopted a resolution pursuant to this paragraph, determining that two justices of peace shall be elected at the biennial town election to be held in the year nineteen hundred forty, may also adopt a resolution on or before but not later than the first day of July, nineteen hundred forty, determining that the following proposition shall be submitted to the electors of such town at said biennial town election of nineteen hundred forty, to wit: "Shall the number of justices of peace in this town be reduced from four to two by the election of one justice of peace and one town [eouncilman] council member for terms of four years each at the biennial town elections to be held in the years nineteen hundred forty-two and nineteen hundred forty-four and at each biennial town election thereafter, and shall the town board of this town consist of the supervisor and such justices of peace and town [eouneilman] council member or [eouncilmen] council members?" The town board shall give notice of the submission of such proposition and such proposition shall be submitted in the manner provided in article six of this chapter for the submission of propositions at special or biennial town elections. The polls shall remain open during the hours fixed for the elections of town officers. Every elector of the town qualified to vote at such election for town officers shall be entitled to vote upon the foregoing proposition. The votes upon such proposition shall be canvassed and certified to the town clerk in the manner provided in section eighty-three of this chapter. If a majority of the votes cast in such town upon such proposition shall be in the affirmative, there shall be elected at the biennial town election held in the year nineteen hundred forty-two, and at every biennial town election thereafter, one justice of peace and one town [eouneilman] council member for the terms and in the manner prescribed in paragraph two of this subdivision. If a majority of the votes cast in such town upon such proposition shall not be in the affirmative there shall be elected at the biennial town election in the year nineteen hundred forty-two and at every biennial town election thereafter, two justices of peace for the full term prescribed by law, but no town [eouncilman] council member.
13. Not later than June fifteenth, nineteen hundred thirty-three, the town board of any town containing a population of ten thousand or more as shown by the latest federal census, excepting towns in Broome and Suffolk counties, and of any other town which shall determine by any of the methods prescribed by subdivision one of this section to be a town of the first class, may adopt a resolution to establish the ward system for the election of [councilmen] council members for such town, which resolution shall be subjected to referendum as herein provided. Within four days after the adoption of such resolution, the town clerk shall cause copies thereof to be posted in ten public places in 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 such resolution be submitted to the electors of the town, for their approval. The form of question to be submitted thereon shall be "Shall the resolution of the town board of the town of .............. establishing the ward system for the election of town [councilmen] council members, be approved?" If no such resolution shall have been adopted within the time above provided, a petition may be filed not later than June twen-ty-ninth, nineteen hundred thirty-three, requiring the submission to
such electors of the proposition "Shall the ward system be established for the election of town [eouncilmen] council members?" A petition for any of the above purposes 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 a 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 thir-ty-three, and at such place or places in the town as may be fixed by the town board. Notice of the election shall be given, such meeting held and the votes canvassed and result certified and returned in the manner provided by 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, the board of elections of the county in which such town is situate shall forthwith divide the town into four wards and fix the boundaries thereof. In so dividing the town into wards, no town election district shall be divided and no election district shall contain parts of two or more wards. So far as possible the division shall be so made that the number of votes in each ward shall be approximately equal. When the board of elections shall have finally determined the boundaries of the wards, the board shall cause a map of the town to be prepared showing in detail the location of each ward and the boundaries thereof. The original map so made shall be filed in the office of the town clerk and copies thereof shall be filed in the offices of the county clerk and the board of elections of the county. The ward system shall be deemed established after such filing is complete. Party nominations shall be made, designating petitions filed and one resident elector of each ward shall be elected as [eouneilman] council member therefrom for a term of two years beginning on the first day of January next succeeding such election, at the biennial town meeting in the year nineteen hundred thirty-three, and biennially thereafter, in the same manner as other elective town officers in such town.
§ 26. Subdivision 4 of section 17-1703-a of the village law, as added by chapter 960 of the laws of 1977, the opening paragraph as amended by chapter 30 of the laws of 2013 , is amended to read as follows:
4. In any case in which the proposition provided for in subdivision one of this section shall have resulted in favor of the local government operating principally as a town, then, at the regular village election next ensuing, all offices to be filled thereat shall be filled for terms to end at the conclusion of the then current calendar year. The term of office of each other elected village office shall also end at the conclusion of said then current calendar year, notwithstanding that any such term of office originally extended beyond such date. The offices of supervisor, four town [eouneilmen] council members and two town justices shall be filled by election as hereinafter provided at the November general election next following the effective date of the creation of such town or annexation of such territory; all other town offices shall be appointive. The election of the supervisor, [eouneilmen] council members and justices shall be for terms of office as follows:
(a) If such election is held in an odd-numbered year, then the term of office for supervisor shall be the term regularly provided by law; the terms of office for two [eouneilmen] council members shall be the terms
regularly provided by law and the terms for the other two [eouncilmen] council members shall be two years each; the term for each justice shall be the term regularly provided by law. Upon the expiration of the two year term for [eouneilmen] council members as above provided, the terms for such offices shall be as regularly provided by law.
(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 [eouncilmen] council members shall be one year for two [oouneilmen] council members and three years for the other two [eouneilmen] council members and the terms of office for each justice shall be for the remainder of the then unexpired terms. Thereafter, each office shall be filled for the term regularly provided by law.
§ 27. Subdivision 3 of section $17-1708$ of the village law, as added by chapter 355 of the laws of 1975, is amended to read as follows:
3. In any village which has been or may hereafter be incorporated to embrace the entire territory of a town, the proposition proposed and submitted as provided in subdivision one of this section, may be in substantially the following form: "Shall the offices of town supervisor and town [ouneilman] council member, as presently constituted, be deemed vacant and the mayor and board of trustees of the village of hereafter constitute the supervisor and town board, respectively, of the town of for all purposes?" In case the said proposition be adopted by a majority of the electors of the said town voting thereon, the mayor of the said village, as the office shall be held from time to time, and the board of trustees of the said village, as the same shall be constituted from time to time, shall, from and after the first day of January next succeeding the date of said election, constitute the supervisor and town board of the said town for all purposes, and shall have all the rights, powers and duties thereof and neither the town clerk, nor the town justices of the said town, shall by virtue of their offices be members of the said town board. The town board of the said town as so organized shall keep a separate journal of its proceedings and the town clerk shall be the clerk thereof.
§ 28. This act shall take effect immediately.

