

STATE OF NEW YORK

7389

2021-2022 Regular Sessions

IN SENATE

September 20, 2021

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 was~~ they were elected, be capable of holding under the
6 appointment or election of the common council any office the emoluments
7 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
10 having a city manager or council-manager form of government in which a
11 mayor and vice-mayor may be elected or appointed from the membership of
12 its council, such mayor and vice-mayor may, in addition to the emoluments received as ~~councilman~~ council member, receive compensation for
15 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
16 guilty of a misdemeanor and on conviction thereof ~~his~~ their office
17 shall be vacant.

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

22 2. In cities such board shall consist of the mayor, corporation counsel and such ~~councilmen~~ council members as may be designated by the
23

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

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

12 § 3. Section 572 of the general municipal law, as amended by chapter
13 805 of the laws of 1964, is amended to read as follows:

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

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

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

48 § 5. Section 593 of the general municipal law, as amended by chapter
49 351 of the laws of 1965, is amended to read as follows:

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

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

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

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

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

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

48 § 8. Section 654 of the general municipal law, as amended by chapter
49 573 of the laws of 1977, is amended to read as follows:

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

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

9 § 9. Section 680-c of the general municipal law, as added by chapter
10 480 of the laws of 1982, is amended to read as follows:

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

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

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

1 continue to hold office until their successors are appointed and quali-
2 fy. In no event shall more than three members belong to the same poli-
3 tical party. Vacancies shall be filled in the manner provided for subse-
4 quent appointments. Vacancies, occurring otherwise than by expiration of
5 term of office, shall be filled for the unexpired terms. Members may be
6 removed from office for the same reasons and in the same manner as may
7 be provided by law for the removal of officers of the town. They shall
8 receive no reimbursement for the ordinary expenses of attending meet-
9 ings, but may by resolution of the authority be allowed their expenses
10 of a special or extraordinary nature.

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

14 3. Before a justice of the peace, town [~~councilman~~] council member,
15 village police justice or a judge of any court of inferior local juris-
16 diction, anywhere within the county containing the town, village or city
17 in which [~~he is~~] they are authorized to perform official duties.

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

21 1. When a certificate of acknowledgment or proof is made, within this
22 state, by a commissioner of deeds, a justice of the peace, town [~~coun-
23 cilman~~] council member, village police justice, or a judge of any court
24 of inferior local jurisdiction, such certificate does not entitle the
25 conveyance so acknowledged or proved to be read in evidence or recorded
26 in any county of this state except a county in which the officer making
27 such certificate is authorized to act at the time of making the same,
28 unless such certificate is authenticated by a certificate of the clerk
29 of such county; provided, however, that all certificates of [~~acknowl-
30 ledgment~~] acknowledgment or proof, made by a commissioner of deeds of
31 the city of New York residing in any part therein, shall be authenticat-
32 ed by the clerk of any county within said city, in whose office such
33 commissioner of deeds shall have filed a certificate under the hand and
34 seal of the city clerk of said city, showing the appointment and term of
35 office of such commissioner; and no other certificates shall be required
36 from any other officer to entitle such conveyance to be read in evidence
37 or recorded in any county of this state.

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

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

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

53 (3) In a town which has two justices of the peace and two town [~~coun-
54 cilmen~~] council members and the term of office of both such town [~~coun-
55 cilmen~~] council members expires on December thirty-first following such
56 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

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 ~~[councilman]~~ council member shall be elected, so that thereafter such town shall have four town ~~[councilmen]~~ council members. Each town ~~[councilman]~~ 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, ~~[councilman]~~ 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 "~~[councilman]~~ council member" and "~~[councilmen]~~ council members" whenever used in this chapter shall include all persons ~~[of the male and female gender and those of the female gender shall be known and designated as "councilwoman" and "councilwomen"]~~ 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 ~~[councilmen]~~ council members first elected after this chapter shall take effect and of the town ~~[councilmen]~~ 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 ~~[councilmen]~~ council members and four years each for two town ~~[councilmen]~~ 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-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 ~~[councilmen]~~ council members and town justices in the town of Pawling. Notwithstanding the provisions of section twenty-four 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 ~~[councilman]~~ 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 ~~[councilman]~~ 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 ~~[councilmen]~~ 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

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]~~ their 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]~~ their 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]~~ their successor shall thereafter be elected for four year terms.
50 In no event shall any town board constitute less than two town ~~[council-~~
51 ~~men]~~ council members and the supervisor. The town board of any town in
52 which the number of ~~[councilmen]~~ council members or justices has been
53 reduced pursuant to this subdivision, may adopt a resolution, subject to
54 permissive referendum, restoring one or two of the offices of ~~[council-~~
55 ~~men]~~ council members or town justices previously reduced, provided,
56 however, that the total number of town justices for such town including

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

1 election held thereafter in each town of the second class, except as
2 otherwise provided herein, there shall be elected one justice of the
3 peace for the full term prescribed by law and one town ~~[councilman]~~
4 council member for a term of four years to begin on the first day of
5 January next succeeding the election at which ~~[he—was]~~ they were
6 elected, and party nominations for such offices shall be made and designating petitions may be filed and such officers shall be elected in the
7 same manner as other elective officers in such town. During the period
8 from January first, nineteen hundred forty until January first, nineteen
9 hundred forty-two, the supervisor, the three justices of the peace and
10 the town ~~[councilman]~~ council member of such town shall constitute the
11 town board thereof. On the first day of January, nineteen hundred
12 forty-two and thereafter, the supervisor, the two justices of the peace
13 and the two town ~~[councilmen]~~ council members shall constitute such town
14 board.
15

16 2. At the biennial town election to be held in the year nineteen
17 hundred forty in each town in the county of Broome and at each biennial
18 town election held in such towns thereafter, there shall be elected one
19 justice of the peace for the full term prescribed by law and one town
20 ~~[councilman]~~ council member for a term of four years to begin on the
21 first day of January next succeeding the election at which ~~[he—was]~~ they
22 were elected, and party nominations for such offices shall be made and
23 designating petitions may be filed and such officers shall be elected in
24 the same manner as other elective town officers in such town. During the
25 period from January first, nineteen hundred forty-one until January
26 first, nineteen hundred forty-three, the supervisor, the three justices
27 of the peace and the town ~~[councilman]~~ council member of such town shall
28 constitute the town board thereof. On the first day of January, nineteen
29 hundred forty-three and thereafter, the supervisor, the two justices of
30 the peace and the two town ~~[councilmen]~~ council members shall constitute
31 such town board.

32 5. Notwithstanding the provisions of paragraph one of this subdivision,
33 the town board of any town required thereby to elect one justice
34 of peace and one town ~~[councilman]~~ council member at the biennial
35 election to be held on the seventh day of November, nineteen hundred
36 thirty-nine, may adopt a resolution on or before but not later than the
37 first day of July, nineteen hundred thirty-nine, determining that there
38 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
39 no town ~~[councilman]~~ council member. If the town board shall adopt such
40 a resolution, the town clerk shall cause a certified copy thereof to be
41 filed in the office of the board of elections of said county on or
42 before the tenth day of July, nineteen hundred thirty-nine, and party
43 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
44 at said biennial town election of nineteen hundred thirty-nine, in the
45 same manner as other elective town officers in such town.
46

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

55 6. The town board of any town which shall have adopted a resolution
56 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 [councilman] 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 [councilman] 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 [councilman] 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 [councilman] 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 [councilman] 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 [coun-
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 [councilman] 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 thirty-
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.