§ 11. Mandatory change of classification. 1. Upon the completion of each decennial federal census, the secretary of state shall obtain from the proper federal authorities an authenticated statement of the population of each town according to such federal census. When the population of any town as shown by such federal census is five thousand or more, the secretary of state shall file with the town clerk of such town a copy of such authenticated statement. Whenever the population of any town of the second class shall be shown to be ten thousand or more according to such certificate or authenticated statement, excepting towns in Suffolk and Broome counties, and excepting also the town of Potsdam in St. Lawrence county and the town of Ulster in Ulster county, the classification of such town shall be changed to that of a town of the first class to become effective on the first day of January succeeding the next biennial election held in said town, except that said town shall elect at the biennial election hereinbefore referred to, all the officers and only such as are required to be elected in a town of the first class.

2. (a) Any town which shall have become a town of the first class, pursuant to subdivision one of this section, shall elect at the biennial town election immediately preceding the effective date of the change of classification, the following town officers: a supervisor, a town clerk and a town superintendent of highways for terms of two years each, and a receiver of taxes and assessments for a term of four years, except as otherwise provided by this chapter.

(b) In addition to the officers specified in the preceding paragraph, there shall also be elected at such biennial town election:

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

(2) In a town which has two justices of the peace and two town 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 council members

for terms of four years each;

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

(c) The term of office of each of the officers elected at such biennial town election shall begin on the first day of January next succeeding said election.

(d) Party nominations for the offices to be filled at said biennial town election shall be made and designating petitions may be filed and such officers shall be elected in the manner provided by law for the nomination, designation and election of town officers in such town.

(e) This section shall not be construed to require the election of a town officer for a two year term in any town in which such term has been increased to four years pursuant to the provisions of this chapter; and nothing contained in this section shall be construed to abridge the term of office of any such town officer elected for a term of four years prior to change of classification.

(f) This section shall not be construed to require the election of a town clerk or a town superintendent of highways if such office shall be an appointive office in such town on the effective date of such change of classification.

(g) Not less than ninety days before the biennial town election immediately preceding the effective date of the change of classification, the town board may adopt a resolution, subject to a permissive referendum, determining that the office of receiver of taxes and assessments shall be an appointive office in such town. Every elector of the town shall be entitled to vote at any referendum held thereon pursuant to the provisions of article seven of this chapter. If the town board shall have adopted such a resolution and no petition for a referendum thereon shall have been filed within the time specified in article seven of this chapter, or if the majority of the votes cast on a proposition to approve such a resolution submitted pursuant to the provisions of said article seven shall be in the affirmative, the office of receiver of taxes and assessments shall thereafter be an appointive office in such town and no receiver of taxes and assessments shall be

elected at the biennial town election immediately preceding the effective date of such change of classification, and on and after the effective date of such change of classification, the town board shall appoint a receiver of taxes and assessments who shall take and hold office for the term provided by this chapter. In any town in which the office of receiver of taxes and assessments shall be appointive, the town board may appoint the town clerk of said town as the receiver of taxes and assessments thereof.

3. Nothing contained in this section shall be construed to abridge the term of office of a justice of the peace heretofore elected in any town to which this section shall apply, but on and after the effective date of such change of classification, any such justice of the peace shall exercise only such powers and shall be subject to only such duties, responsibilities and liabilities as shall be prescribed by law with respect to a justice of the peace in a town of the first class.

4. Town collectors and school district collectors. In any town to which this section shall apply, the collector shall continue in office until the effective date of such change of classification. On and after such date, the office of collector and the office of school district collector shall be abolished in such town and no collector or school district collector shall be chosen at any time to succeed the incumbents of the offices so abolished.

5. (a) Assessors. If any such town shall have three elective assessors, no successors thereto shall be elected at the biennial town election immediately preceding the effective date of such change of classification and the terms of office of such elective assessors whose term would extend beyond the effective date of such change of classification shall terminate on the effective date of such change of classification. On or after the effective date of such change of classification, the town board of said town shall appoint an assessor in the manner and for the term prescribed by section three hundred ten of the real property tax law.

(b) If any such town shall have one elective assessor, no successor thereto shall be elected at the biennial town election immediately

preceding the effective date of such change of classification. On or after the effective date of such change of classification, the town board shall appoint an assessor in the manner and for the term prescribed by section three hundred ten of the real property tax law.

(c) If any such town shall have one appointive assessor who was appointed in the manner and for the term prescribed by section three hundred ten of the real property tax law, such assessor shall remain in office for the balance of his unexpired term or shall continue in office for an indefinite term if the office of assessor shall have been for an indefinite term immediately preceding the effective date of such change of classification.

6. Town board. On and after the effective date of the change of classification of such town, the supervisor and the town 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.