§ 158. Special police officers. 1. The town board of any town of the first class and the town board of any town of the second class which shall have a population of five thousand or more as shown by the latest federal census, whether there be a police department in and for such town or not, may employ temporary police officers from time to time as the town board may determine their services necessary. Such police officers shall be known as "special police officers" and shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law. Such special police officers shall serve at the pleasure of the town board and the town board shall fix their compensation and may purchase uniforms and equipment therefor but no such special police officers shall be appointed nor any expense incurred by reason thereof unless said town board shall have provided therefor in its annual budget, previously adopted, and no expenditure shall be made in excess of the budget appropriation therefor. Such special police shall be appointed in accordance with the civil service law and rules. Provided, however, and notwithstanding the foregoing provisions of this section, the town board of any such town may, when in their judgment necessary for the preservation of the public peace during any emergency period of sixty days or less, appoint and at pleasure remove within such period additional special police officers not exceeding five in number, without examination, and fix their compensation which shall be a town charge and be paid from moneys available for expenditure for general town purposes.

2. The town board of a town of the second class which shall have a population of less than five thousand as shown by the latest federal census, may adopt a resolution, subject to a permissive referendum, determining to employ one or more temporary police officers, provided that such town has a population of one thousand or more according to the latest federal census or that such town adjoins a city. Towns having a population in excess of one thousand may employ one additional temporary police officer for each one thousand population in excess of the first one thousand but the total number of police officers so employed shall

not exceed five. Such police officers shall be known as "special police officers" and shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law. Such special police officers shall serve at the pleasure of the town board and the town board shall fix their compensation and may purchase uniforms and equipment therefor. The compensation of such officer or officers, and the expense of the uniforms and equipment therefor if purchased by the town board, shall be a town charge and the amount thereof shall be assessed and levied upon the taxable property of the town and collected in the same manner as other town charges are assessed, levied and collected.

Notwithstanding such limitations upon their number, any such town may employ not more than five temporary police officers for a period of not to exceed three days in any calendar week.