§ 50-a. Application. 1. The provisions of this article may be made applicable, effective on a January first, after December thirty-first, nineteen hundred sixty-three, to any town which on such January first:

(a) Has a population of at least twenty-five thousand, or

(b) Has a population of at least seventy-five hundred and is not more than fifteen miles from a city having a population of at least one hundred thousand, measured from their respective nearest boundary lines; provided, however, that the population of such town shall have increased by at least sixty-five per cent between nineteen hundred forty and nineteen hundred sixty or by at least forty per cent between nineteen hundred fifty and nineteen hundred sixty, as shown by the decennial federal censuses for such years.

The current population of a town shall be determined on the basis of the most recent decennial federal census or a special population census taken pursuant to section twenty of the general municipal law and subdivision five-a of section fifty-four of the state finance law and certified to the state comptroller pursuant to law.

2. The provisions of this article may be made so applicable to such a town by resolution of the town board adopted not later than July first preceding the January first on which the town would become a suburban town, which resolution also shall provide that the town shall at the same time become a town of the first class, if it is not then such a town, and shall elect its officers in compliance with section twelve of this chapter. Prior to the adoption of such a resolution the town board shall conduct a public hearing thereon on notice published at least ten but not more than twenty days before such hearing in a newspaper or newspapers designated pursuant to subdivision eleven of section sixty-four of this chapter. Such resolution shall be subject to referendum on motion of the town board or on petition pursuant to article seven of this chapter provided, however:

(a) That any such petition shall be filed with the town clerk not later than September fifth of the year in which the town board shall have adopted such resolution,

(b) That if the town board, on its own motion, determines that such resolution shall be subject to referendum or if such a petition be filed, such referendum shall be had at the election in November of such

year or at a special town election held at least forty days after the filing of such petition, as the town board shall determine, and in the event the resolution is approved at such referendum the town shall become a suburban town on the January first following such referendum, and

3. At any biennial town election held during and after the November prior to the January first on which a town is to become a suburban town pursuant to this section, but not including the election in November, if any, at which a town's becoming a suburban town is approved pursuant to this section, there shall be elected only such officers as are required to be elected to fill elective offices or vacancies therein, as the case may be, for such town to function as a suburban town and a town of the first class. With respect to additional appointive offices which such town is required to have as a suburban town and a town of the first class, vacancies therein shall exist as of the January first on which the town becomes a suburban town.

4. After it shall have been finally determined pursuant to this section that a town shall become a suburban town, the town board shall have power to determine and make provision for any matter necessarily involved in the transition from its form of town government at the time of its becoming a suburban town to its government as a suburban town under the provisions of this article where such matter is not provided for by this article.

5. (a) Within ten days after the January first on which a town becomes a suburban town pursuant to this section, the town clerk shall make a certificate to such effect and transmit the same to the secretary of state, in whose office it shall be kept as a public record, provided, however, that in the case of those towns which became suburban towns on January first, nineteen hundred sixty-four, such a certificate shall be made and transmitted to the secretary of state not later than June first, nineteen hundred sixty-four.

(b) It shall be the duty of the secretary of state to cause to be published separately, under an appropriate heading, in the appendix of the session laws of each year and in the appendix of the local laws of

each year, the names of the towns which have become suburban towns and the dates on which they became suburban towns.