**§ 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 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 council member, unless the office of town council member does not exist in such town. In the event the town board determines that council members should be elected biennially and in order to so provide, it is necessary that such 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 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 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 council members or town justices and provide that the term of such town council member first elected shall be for a single two or four year term in order to provide for biennial town elections and their successor shall thereafter be elected for four year terms. In no event shall any town board constitute less than two town council members and the

supervisor. The town board of any town in which the number of 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 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 council member in order to provide for biennial town elections, and their successor shall thereafter be elected for four year terms. The election of a 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.