§ 88. Reduction of number of justices of the peace and election of town council members. 1. Except in the town of Hector in the county of Schuyler, and except as hereinafter provided, in any town of the second class having more than two justices of the peace there shall be elected at the next biennial town election occurring after this act shall take effect and at every biennial town election held in such town thereafter, one justice of the peace and one town council member for a term of four years each to begin on the first day of January next succeeding the election at which such officers were elected. During the period between the first day of January next succeeding the biennial town election at which the first town council member shall be so elected and the first day of January next succeeding the biennial town election at which a second town council member shall be elected, the supervisor, the justices of the peace and the town council member of such town shall constitute the town board thereof. On and after the first day of January next succeeding the biennial town election at which the second town council member shall be elected, the supervisor, the two justices of the peace and the two town council members shall constitute such town board. Nothing herein contained shall be construed to abridge the term of a justice of the peace heretofore elected in any town.

2. Notwithstanding the provisions of subdivision one of this section, the town board of any town of the second class to which this section shall apply may, by resolution, direct that at the first biennial town election held after this act shall take effect, there shall be elected two town council members (but no justices of the peace except to fill a vacancy) for a term of four years each to begin on the first day of January next succeeding the election at which such officers were elected, instead of one justice of the peace and one town council member; and on and after the first day of January next succeeding the biennial town election at which such town council members shall be so elected the supervisor, the justices of the peace and the two town council members of such town shall constitute the town board thereof. At each biennial election at which no town council members are elected (except to fill a vacancy) two justices of the peace shall be elected for a term of four years each beginning on the first day of January next succeeding such election.

3. Notwithstanding the provisions of subdivision one of this section, the town board of any town of the second class to which this section shall apply may, by resolution, direct that at the first biennial town election held after this act shall take effect, there shall be elected two justices of the peace for a term of four years each to begin on the first day of January next succeeding the election at which such officers were elected, instead of one justice of the peace and one town council member; and on and after the first day of January next succeeding the biennial town election at which such justices of the peace shall be so elected the supervisor and the justices of the peace shall constitute the town board thereof. At the next biennial election thereafter, two town council members shall be elected for a term of four years each, in place of the two justices of the peace whose terms shall next expire, and the town board shall thereafter consist of the supervisor, two justices of the peace and two town council members.

4. The provisions of this section, however, shall not apply to the town of Islip in the county of Suffolk and, in such town, four justices of the peace shall continue to be elected in accordance with former provisions of law and the supervisor and the four justices of the peace shall continue to constitute the town board of such town.