§ 35.00 Bond resolution subject to referendum; towns. a. A bond resolution adopted by the finance board of any town for the purpose of financing a town highway improvement shall be subject to a permissive referendum or such resolution may be submitted to a referendum by such finance board on its own motion, in the manner prescribed in article seven of the town law, as amended from time to time, if no part of the cost of any such improvement is be paid by the county, or by the state, as provided in the highway law or is to be levied against property situated within any incorporated village in such town. Notwithstanding the foregoing provisions of this paragraph, a bond resolution or resolutions adopted by the finance board of any town authorizing the issuance of bonds for any such town highway improvement or improvements to the extent of not to exceed fifteen thousand dollars in the aggregate in any fiscal year of the town shall not be subject to such permissive referendum if the bonds have a proposed maturity of not more than five years to be measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of sale of such bonds, whichever date is the earlier. Furthermore, the foregoing provisions of this paragraph shall not apply to a bond resolution authorizing the issuance of bonds to finance improvements undertaken pursuant to either section two hundred or section two hundred-a of the town law, as amended from time to time.

b. Except as otherwise provided in paragraph a of this section,

1. A bond resolution adopted by the finance board of a town shall be subject to a permissive referendum or such resolution may be submitted to a referendum by such finance board on its own motion, in the manner prescribed in article seven of the town law, as amended from time to time.

The foregoing provisions of this paragraph b shall not apply to a bond resolution authorizing the issuance of bonds:

(1) With a proposed maturity of not more than five years to be measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is the earlier.

(2) For any district or special improvement authorized by articles three-A, twelve, twelve-A and twelve-C of the town law, as amended from time to time, or for any such improvement authorized by any other general or special law where the cost thereof is to be assessed upon benefitted real property except for a bond resolution adopted by the finance board of the Town of Oyster Bay for the purpose of financing an original capital improvement for an existing park district in said town, where the estimated maximum cost of such improvement shall be two million or more.

(3) For the construction, pavement or other improvement of a street or highway through such town, the cost of which is to be paid in part by such town and in part by the county or state, as provided in the highway law, as amended from time to time.

(4) For the payment of judgments, or compromised or settled claims against such town, or awards or sums payable by such town pursuant to a determination by a court, or an officer, body or agency acting in an administrative or quasi-judicial capacity.

c. The expenditure of money for which it is proposed to issue obligations shall not be subject to a permissive or mandatory referendum in any town.

d. The provisions of paragraphs a and b of this section shall not apply to any bond resolution which authorizes the issuance of bonds for the reconstruction of a bridge, tunnel, viaduct or underpass or for the reconstruction or repair of a highway, road, street, parkway or parking area, whether or not including sidewalks, curbs, gutters, drainage, landscaping or grading, if (1) such reconstruction or repair is necessitated by a storm, flood, earthquake or other unforeseeable disaster and (2) the county superintendent of highways certifies that such work should be commenced within eight months after such disaster in order to prevent unusual peril to the lives and property of the citizens of the town and (3) such bond resolution has been adopted within eight months after such disaster.