§ 209-h. Increase of maximum amount to be expended. 1. At any time after the establishment of an improvement district or of an extension thereof pursuant to the provisions of this article or any other applicable provision of law, the maximum amount proposed to be expended for the improvement in such district, as stated in the notice of public hearing on the establishment or extension of such district, may be increased by an order of the town board provided that the town board shall, after a public hearing is held in the manner prescribed by section two hundred nine-d of this article, determine that it is in the public interest to authorize the increase of such maximum amount, and provided the comptroller of the state of New York shall have made as may be required pursuant to subdivision one of section two hundred nine-f of this article, after such public hearing, an order approving the increase of such maximum amount as stated in the said notice of hearing. The order of the comptroller shall be prepared in duplicate and one copy thereof filed in the office of the department of audit and control and the other copy in the office of the town clerk of the town. The order of the town board increasing the maximum amount to be expended shall be subject to a permissive referendum in the manner provided in subdivision three of section two hundred nine-e of this article. The comptroller may not make an order approving the increase in such maximum amount until after the expiration of the time for filing a petition requesting that the matter be submitted to referendum or, if such a petition is filed, unless the vote on the proposition submitted at referendum was affirmative.

2. If the notice of public hearing for the establishment or extension of the district proposes only the performance or supplying of certain services, and states the maximum amount to be expended annually for such services, the maximum amount to be expended annually may be increased by an order of the town board provided the town board shall, after a public hearing, determine that it is in the public interest to authorize the increase of such maximum amount. The town board shall give notice of such hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where such hearing will be held and stating the increase proposed in the maximum amount to be expended annually. Such notice shall be

published once at least ten days prior to the date specified for such hearing. The approval of the state comptroller to such increase in the maximum amount to be expended annually shall not be required.