

OPINIONS OF THE ATTORNEY GENERAL

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INFORMAL OPINIONS

No. 2007-1

N.Y. Constitution IX §§ 2(c)(I) and 2(c)(ii)(1); Municipal Home Rule Law §§ 10, 10(a)(I), 10(1)(ii)(a)(1), 10(1)(ii)(e)(3) and 22; Village Law §§ 7-712 and 7-718

A village may limit the number of terms the members of the planning board and the zoning board of appeals may serve. *February 21, 2007.*

No. 2007-2

Education Law §§ 1950(1), 1950(2), 1950(4), 1950(9), 2204, 2212, 2215; 8 NYCRR 80-5.4(a)

Education Law § 1950(9) precludes a BOCES member from accepting occasional employment as a per diem substitute in a school district that is part of the supervisory district in which the BOCES serves. *February 21, 2007.*

FORMAL OPINIONS

No. 2007-F1

Civil Service Law §§ 163(4), 167, 167(2); Public Officers Law §§ 73, 73(1)(i)(iv); 4 N.Y.C.R.R. §§ 73.1(c)(1)(iv), 73.1(e)(5); Private Housing Finance Law § 43(2); Public Authorities Law §§ 2403, 2403(2)

Public authorities, whose board members pursuant to statute serve without salary or other compensation, may not pay for health insurance for current or retired board members. *February 28, 2007.*

No. 2007-F2

Public Authorities Law §§ 2, 351, 353, 354(4), 382(1), (7), 566, 2895 (2), (3), 2896, 2897, 2897(3), (6); Canal Law §§ 2(1), 6(1), 10(15), (17), 50, 51, 52, 53, 54, 54(1), (2), 55(1)-(3), (5), 56, 138-b(5), 138-c(1); Public Lands Law §§ 3(2), 34, 50; Session Laws 1996 Chapter 442, 2005 Chapter 766 § 20

Real property transactions expressly authorized by Canal Law §§ 53 and 54 are not subject to the public bidding and fair market value requirements of the Public Authorities Accountability Act of 2005, to the extent such requirements conflict with the provisions of those

statutes. Leases and sales by the Thruway Authority and Canal Corporation to municipalities for public parks, recreation or public access to the canal system, or for necessary municipal infrastructure projects are likely to be exempt from the public bidding and fair market value requirements. Real property disposals to adjacent landowners are not exempt from the public bidding requirement, unless a statutory exception applies. *March 20, 2007.*

