

# OPINIONS OF THE ATTORNEY GENERAL

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## FORMAL OPINIONS

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### No. 2008-F1

**29 United States Code §§ 796c, 796d, 796d(b)(2)(B); General Construction Law § 41**

Thirteen voting members of the Council constitute a quorum, and at least thirteen voting members must approve a motion for it to pass. *August 1, 2008.*

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## INFORMAL OPINIONS

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### No. 2008-4

**Municipal Home Rule Law §§ 10(1)(ii), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12); General Business Law § 397-a; New York State Constitution Article I**

Discussion of authority of village to adopt a local law prohibiting the delivery of unsolicited print materials to village residents. *June 6, 2008.*

### No. 2008-5

**Education Law Article 51, §§ 2501, 2502(7); General Municipal Law Article 18, §§ 808(1), 808(2), 808(3), 808(4); City Code of Middletown §§ 48-6, 48-6(A), 48-6(B); Public Officers Law § 2**

Members of the city board of ethics are city officers and thus by virtue of Education Law § 2502(7), may not simultaneously serve on the school district board of education. *June 10, 2008.*

### No. 2008-6

**Public Officers Law §§ 73-b, 73-b(1), 73-b(1)(a), 73-b(2); Vehicle and Traffic Law §§ 1203-g, 1203-g(1), 1203-g(2), 1203-g(4), 1809-b, 1809-b(1), 1809-b(2); New York State Constitution Article XIII, § 13; County Law § 400(1)**

Public Officers Law § 73-b prevents the county sheriff from appearing in public service announcements paid for with money from the county's handicapped parking education fund, even when that fund is composed only of mandatory surcharge moneys. *June 10, 2008.*

### No. 2008-7

**General Municipal Law Article 10; §§ 209-i, 209-i(1), 209-i(1-a), 209-i(2); Public Officers Law § 3(1); Education Law § 3202; C.P.L.R. § 202**

A volunteer firefighter who lives on the main land but berths his

boat at a marina near a fire department pursuant to a transient permit does not have a "residence" in the area of the fire department for purposes of General Municipal Law § 209-i(1-a). *June 12, 2008.*

### No. 2008-8

**County Law §§ 150, 150-a; Town Law §§ 24, 24-a, 80; Municipal Home Rule Law §§ 10, 10(1)(ii)(a)(1), 10(1)(ii)(d)(3), 22(1), 23(10), 23(2)(e)**

A town may increase the term of the town supervisor who does not serve on the county board of supervisors by local law. *July 30, 2008*

