

# OPINIONS OF THE ATTORNEY GENERAL

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The full text of an informal or formal opinion of the Attorney General may be obtained by writing to the Office of Legal Records, Department of Law, State Capitol, Albany, NY 12224. Please include the identification number, the date, the section(s) of law considered and the subject of the opinion.

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## INFORMAL OPINIONS

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### **No. 2011-7**

**Agriculture & Markets Law §§ 300, 327; Environmental Conservation Law §§ 24-0901(2), 51-0713; Parks, Recreation & Historic Preservation Law § 15.09**

Property purchased by the County pursuant to the Greater Catskills Flood Remediation Program was not dedicated as public parkland by virtue of the required assurance in the deed conveying the property from its owner to the County. The common law prohibition against alienating public parkland without express authority from the Legislature does not prevent the County from selling such property.

*June 2011*

### **No. 2011-8**

**Penal Law §§ 270.00, 270.00(2), 405.00, 405.00(1), 405.00(2), 405.00(2)(a), 405.00(2)(b), 405.00(2)(e), 405.00(2)(g), 405.00(3), 405.00(3-a), 405.00(4), 405.00(5); Municipal Home Rule Law § 10(1)(i)(d)(3)**

Approval and issuance of a fireworks display permit is a discretionary act. Failure to grant a permit by the time of a planned display effectively functions as a denial of an application for a permit. A town may not impose additional permitting requirements or supersede the fireworks permitting system established in the Penal Law.

*July 2011*

