

EDUCATION LAW §§ 807-c, 1604(5), (30), 1709(33), 1804(1); MUNICIPAL HOME RULE LAW § 10; VILLAGE LAW § 1-102; L 1974 CH 1015.

The Legislature has authorized agreements between school districts and governing bodies of local fire departments and other emergency service providers that include provisions relating to the costs of alarm interconnections, including costs associated with false alarms. Therefore, a village by contract may provide for the expense of false alarms.

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Informal Opinion
No. 97-26

Dear Mr. Tomann:

You ask whether a school district located within your village may be made subject to the emergency false alarm provisions of the village's Automatic Alarm Permit Law.

The village's local law provides that permits must be issued for all alarm systems connected to the village's police department, fire company or emergency medical service. Among other things, the code requires investigation of suspected false emergency alarms and imposes charges for the transmission of more than one false alarm within a twelve-month period. You have informed us that there have been numerous false alarms at the school resulting in response costs for the village.

Specifically with regard to the school district, there are provisions of the Education Law which contemplate agreements between school authorities and local legislative bodies for installation and maintenance of emergency alarm interconnections. Section 807-c of the Education Law permits school authorities to connect the school's fire alarm system with the municipal fire department or fire company. Through this connection, any time the school's internal fire alarm system is activated, a signal is automatically transmitted to the local fire department. Section 807-c also states that:

School authorities and the governing body having jurisdiction of any fire department or fire company are hereby authorized, by agreement between them, to apportion the costs of installing and maintaining any such interconnection, and such costs are hereby deemed appropriate expenditures from the funds of such school authorities and governing bodies.

This provision was added in 1974 as part of an amendment that made such interconnections permissive rather than mandatory.

L 1974 ch 1015. Implementation of the prior statute had been delayed for three years due to a variety of practical concerns, which were the genesis of the amendment. The amendment dealt with the difficulties inherent in mandatory interconnection, such as problems associated with payment of costs including the cost of false alarms. The overall intent was to foster equitable agreements between school districts and governing bodies of local fire companies and departments, whereby the costs of interconnections would be apportioned fairly. Study of School Fire Alarm Interconnection prepared by State Education Department, Bill Jacket, L 1974, ch 1015, pp 6-17. The authority to "apportion" costs resulted from recognition of the mutual benefit of interconnections to local governments and school districts. Id., pp 16-17.

Governing bodies of school districts, which are charged with the responsibility of school administration, have all the powers reasonably necessary to discharge duties imposed upon them expressly or by implication. See, e.g., Education Law §§ 1604(5), (30), 1709(33), 1804(1). It seems clear they may enter into contracts necessary to protect students and school property. Villages also have general contract authority. Village Law § 1-102. See also, Municipal Home Rule Law § 10. In our view, these provisions authorize the district to contract with the village, through the board of trustees as its governing body, for provision of alarm interconnections with the police department and emergency medical service. These contracts may include provisions for allocating the cost of false alarms.

In response to your inquiry, we conclude that the Legislature has authorized agreements between school districts and governing bodies of local fire departments and other emergency service providers that include provisions relating to the costs of alarm interconnections, including costs associated with false alarms. Therefore, your village by contract, through the board of trustees, may provide for the expense of false alarms.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Very truly yours,

SIOBHAN S. CRARY
Assistant Attorney General