



Tuesday, May 4, 2004

Ethics panelist revives debate

By Andy Smith
Staff Writer

ATKINSON -- A visit by the chairman of the Code of Ethics Committee to selectmen last night triggered another debate about potential conflicts of interest on the board.

For weeks, Selectman Chairman Brian Boyle, the only board member who does not work part time for the town, has been saying that town employees may not discuss or vote on employee policies as selectmen. His primary support has been a legal opinion of the town's Code of Ethics, written by a New Hampshire Municipal Association lawyer.

But last night, Code of Ethics Committee Chairman Richard L. Smith told the board that committee members have found RSAs, legal opinions, and case law that are not necessarily consistent with the NHMA opinion.

Smith said the committee is investigating more than one conflict of interest complaint filed by residents of the town. When the investigation is complete, he said, the committee will issue a recommendation on the complaints, as well as an opinion on the NHMA letter.

After the meeting, Smith declined to clarify how many complaints had been filed, but did say the committee would complete its investigation within 30 days.

While Smith's update satisfied Selectman Philip V. Consentino and Fred Childs, Boyle asked why the committee would challenge the opinions of a legal body. He also noted that when selectmen asked the committee to interpret a NHMA opinion regarding the Road Agent's position, the committee deferred to NHMA.

The NHMA five-page letter in question was sent prior to Town Meeting at the selectmen's request. It was written by NHMA lawyer Susan Slack.

"Under the town ordinance, a selectman who is also a town

http://www.eagletribune.com/news/stories/20040504/NH_005.htm

employee cannot vote on wages, benefits, or employee policies that affect all town employees," Slack wrote.

Boyle called the Code of Ethics Committee's actions "frustrating," and said it gave the appearance of "moving goal posts."

"If you guys are going to disagree with NHMA, I guess I'd like to know why," Boyle said.

Consentino said he was "starting to get sick of" sitting through conflict of interest discussions, and suggested Boyle move on with the meeting.

"You're not hearing what you want to hear," Consentino said. "Let Mr. Smith and his committee do their job."

In response, Boyle said while others may consider the conflict of interest matter to be a joke, he is taking it seriously. He said he would not allow it to linger as an outstanding issue, with Consentino and Childs continuing to vote on employee issues.

Consentino suggested he will continue to vote on employee issues, saying if Boyle keeps pressing the matter, it will remain an issue for at least the next two years. Consentino's first term expires in March 2006, but Boyle's expires in March 2005.

"You'll be gone before I will, let me put it that way," Consentino told Boyle.

[Next Story: Back to headlines](#) ➔

*Copyright© 2003 Eagle-Tribune Publishing. All Rights Reserved. Contact
[Online editor](#)*