

# SUV dispute settled

Budget group concludes  
lease was not illegal

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ATKINSON — The meeting between the Board of Selectmen and Budget Committee this week to discuss the lease of a police vehicle without a selectmen vote was a relatively civil one, as both boards indicated they were satisfied and it appears as though nothing was done illegally.

The previous meetings between the two boards were contentious and often side-tracked by arguments between Police Chief/Selectmen Chairman Philip Consentino and Budget Committee Chairman Mark

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# Police SUV lease 'not technically illegal'

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Acciard, who will be at Rockingham County Superior Court next week to resolve a lawsuit filed by Acciard alleging Consentino violated the town's code of ethics ordinance.

Cooler heads prevailed throughout most of Tuesday's meeting as Selectman Jack Sapia answered most of the committee's questions, which were asked by committee member Fred Thompson, regarding the events leading up to the purchase.

Both boards agreed discussion about purchasing an SUV for the police department took place, but disagreed as to whether it was adequate proof that the process to purchase it was legitimate. The committee also questioned the board's discussion about the size of the police fleet before the purchase as well, but that discussion seems to be irrelevant at this point as the current board is split on the issue.

Sapia repeatedly told the committee that in retrospect, the acquisition should have been handled better, but insisted nothing was done illegally, citing legal opinions from the New Hampshire Municipal Association (NHMA) and Town Attorney Sumner Kalman.

One of the questions that remained after Tuesday's meeting was the opinion of NHMA, which had provided both the committee and the board with opinions supporting their respective arguments. In an interview on Wednesday, Acciard said he was told by a NHMA lawyer who gave the conflicting opinions that the laws that require the selectmen to vote on purchases are outside of municipal budget law. He said he was told the Budget Committee was correct to question the process, but the law was not technically broken.

Consentino has maintained that he assumed the other selectmen approved of the purchase when they told him not to bother asking for more money to buy the SUV because the amount in the budget was sufficient, as at a meeting before the 2005 deliberative session.

At the selectmen's meeting on April 18, Brian Boyle, who was chairman of the board when the purchase was discussed, told the current board that he and Selectman Fred Childs thought the size of the police fleet was too big. Boyle said the selectmen never made a final decision on the fleet size or the purchase of an SUV.

Town Administrator Russ McAllister said the selectmen, by law, are free to adjust line items in the budget as they see fit as long as the operating budget is not overspent. He also said, citing Kalman's

letter, that the law specifically prohibits a budget committee or citizen from having "any authority to dispute or challenge the discretion of the governing body in making such transfers."

Kalman's letter goes on to say the law was designed to avoid micro-managing and interference with the selectmen performing their responsibilities.

"We completely agree with that; it's standard budget law ... Paper clips over-expended for paper is micro-managing. A large item lease is clearly not micro-managing," said Thompson. "We have no issue with the source of his funds — the funds are in his budget — our issue is the process."

McAllister said the budget the voters approved was the one the committee put forth and it included the money needed to purchase the SUV. Thompson said their approval of the police budget was based on the lease projections by Consentino, which they trust are accurate and not inflated with large budget items, like an extra lease agreement.

"I've been on the Budget Committee for six years and have seen a lot of appropriations and purchases, and I've never seen a board act in this manner before," said Thompson. "And I think it sets a bad precedent."

Thompson took issue with Sapia's requests that the town move forward and the implication that the committee was making a big deal out of nothing. Sapia said the board agreed it could have done better, but it doesn't mean a law was broken.

"I would love for us to unify and get some real work done," said Sapia. "And I know it's a two-way street."

When the discussion changed to the size of the police fleet, Sapia said the committee was over-stepping its bounds because it is not the committee's responsibility to question the fleet size at this time. He said the appropriate time would have been during budget season.

Thompson said the fact that there was questions as to the size of the fleet would have been a key topic in the committee's decision whether to recommend the budget.

Childs said he is in favor of reducing the size of the fleet because he does not believe Administrative Sgt. William Baldwin needs his own cruiser, which was also Boyle's opinion. But since no vote was taken to reduce the size and Sapia has no issue with the fleet size, the point is now moot.

"We didn't vote on it, you're right ... Did we know that he bought it? No, he went

out and got it. We don't have a problem with that because there was almost enough money in the budget for him to buy it," said Childs. "My point of contention is, why did you give us so much money if you didn't think he was perhaps going to buy this SUV?"

Consentino, who sat silent throughout most of the meeting, spoke briefly at the end of the night, echoing previous statements about the meeting before the deliberative session, which he said he misunderstood as an approval of the purchase.

"I took it as an understanding that I had (the board's) approval," said Consentino. "If one of them would have come up and said, 'I think you should bring it to the voters,' in a heartbeat it would have been brought to voters, and I'm confident I would have got their approval."

"The way it was handled, I thought it was appropriate ... Could it have been done cleaner? It could've," said Consentino, adding that he would feel the same way if the situation occurred again.

Thompson said he is confident the chief's actions were not meant to circumvent the system, but it is the committee's duty to monitor the budget process and make sure things are done correctly.

"The only part that I disagree with you on is you would have brought it in front of voters at Town Meeting, had you chose to go that way. Having chosen not to go that way, which is OK, you should have brought it in front of the voters, at a later date, at a Board of Selectmen's meeting," he said. "Then, we're not having this meeting."

Tempers flared late in the meeting, but were quickly extinguished, when Consentino asked which committee member had been calling area police departments and the dealership where the SUV was leased, which he said was stepping over the committee's bounds.

Acciard admitted to the calls, adding that he was investigating the purchase and comparing the structure of the Atkinson Police Department with others. He said the calls are typical of the committee during budget season and was needed in order to gather the pertinent information.

"This is bordering harassment, Mr. Acciard," said Consentino.

"I have harassed no one," replied Acciard.

At that point, Sapia and Thompson agreed that the meeting was productive and both boards were satisfied.