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## Debate on tenure policy resurrects conflict fight

**By Andy Smith**  
*Staff Writer*

ATKINSON -- The issue of a conflict of interest on the Board of Selectmen, sparking several debates leading up to Town Meeting, has surfaced again after a few weeks of relative peace.

In the days before Town Meeting, Selectman Brian Boyle aired concerns that if elected, Fred Childs, the town's maintenance supervisor, would join Police Chief Philip V. Consentino as the second town employee on the board.

Boyle received a written legal opinion on the town's code of ethics from the New Hampshire Municipal Association that he believes prohibits Childs and Consentino from voting on or discussing policies that affect all town employees.

Since Childs was elected last month, the conflict issue had not been raised at his first three meetings. But that changed Monday night when a proposed tenure policy was introduced for municipal employees who leave the town and then return.

Boyle, the board's chairman, opened discussion of the policy by cautioning Consentino and Childs that it was a "general employee matter" on which they should not vote.

Childs disagreed with Boyle's assertion and said he would be glad to take up the matter with the town's legal counsel, Sumner Kalman. Childs has maintained since his selectman campaign that he could vote on any issue as long as he is not the only person affected. He also believes the Municipal Association's letter is simply one lawyer's interpretation. While Childs initially agreed to put off the discussion until Kalman clarified the letter, Consentino said he was disgusted that Boyle kept "beating a dead horse."

"Truthfully, I'm getting sick and tired of it," he said, later asking Boyle, "Why do you have to keep bringing this damn thing up all the time? Let it go!"

Consentino said he and his wife, Jody, and son David, all employees of the Police Department, have signed letters before a justice of the peace, pledging not to ask for raises or additional benefits from the town. Since he does not stand to gain anything from the tenure policy, Consentino said he should be able to vote on the issue.

"You cannot be impartial on employee matters," Boyle said. "You're an employee."

Consentino then made a motion to accept a draft of the policy, which was seconded by Childs. Childs said he might as well participate in the vote, inviting anyone who had a problem with it to file a complaint with the Code of Ethics Committee.

Boyle abstained from the vote, saying, "to me, what you're doing is illegal."

Boyle also accused Childs and Consentino of acting in a hypocritical fashion by discounting the Municipal Association's letter, yet defending changes made to the road agent's job with a legal opinion also issued by the association. "We put a lot of weight in this NHMA letter about the road agent," he said. "But we're not putting any weight on it about this matter."

The board advised Town Administrator Vic Richards to arrange an appointment with Kalman to discuss the association's interpretation of the town's code of ethics.

If any resident believes a town official has violated the code, an anonymous complaint may be filed. The Code of Ethics Committee researches each complaint and gives its recommendation to the Board of Selectmen.

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