

Below response from New Hampshire Municipal Association sent to Selectmen via email on 5/27/2016.

Hi Alan:

I've looked over the fire department warrant article and your purchasing policy. As I understand it, your town attorney weighed in a few years ago and thought the chief had a reasonable argument that he was not subject to the town purchasing policy. I tend to agree with that prior opinion for two reasons. First, when the town created the fire department, the warrant article specifically said that the department would manage and control all finances. Second, the town purchasing policy says that it applies "to all Town Departments under the authority of the Town Administrator." Arguably, the town meeting separated the fire department from that authority through the specific language in the warrant article.

Of course, this does not exempt the chief from complying with municipal budget law under RSA 32:12.

Margaret M.L. Byrnes, Esquire  
Staff Attorney  
New Hampshire Municipal Association  
25 Triangle Park Drive  
Concord, NH 03301



**From:** Alan J Phair [<mailto:townadmin@atkinson-nh.gov>]  
**Sent:** Thursday, May 26, 2016 10:19 AM  
**To:** Legal Inquiries  
**Subject:** Atkinson NH

Margaret, thank you for returning my call this morning. Attached is a copy of the 1944 warrant article with amendments that refer to the setting up of the Firemen Association and how bills and other items are to be handled. I find the wording interesting and somewhat open to interpretation but that is only my feeling. I also have included a previous opinion given by our Town Council regarding same issue in 2003. Anyway, I would appreciate any thoughts regarding same.

Thanks,

Alan J. Phair  
Atkinson Town Administrator  
603-362-1060

NOTE: Parts of email dealing with topic unrelated to subject matter were extracted to avoid confusion. Email addresses omitted due to lack of use approval.