

Atkinson/Plaiستow

Consentino challenges court order

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ATKINSON — Selectman and police Chief Philip V. Consentino is appealing a court order requiring him to leave the selectmen's meeting room when his colleagues discuss or vote on police matters.

Consentino's lawyer, Sumner Kalman, who is also the town's lawyer, filed a mandatory appeal of the case to the state Supreme Court.

Mandatory appeal means the Supreme Court will hear the case, but it also means time is on Consentino's side. While the case is pending, the order is halted, unless Rockingham County Superior Court Judge Kenneth McHugh acts and issues a temporary order.

Mark Acciardo, chairman of the Municipal Budget Committee, has said the mandatory appeal is a brilliant strategy because it is likely Consentino's term as selectman will be over by the time the Supreme Court is ready to hear the issues. Consentino has said he will not run again.

Supreme Court is not in session now and will not meet until January. Kalman said the Supreme

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Court would take the time it needs on its decision.

"It's not an abbreviated thing," he said.

Among other things, the appeal questions whether the judge has the authority to curb the work of an elected official in a municipal government established by the state Legislature.

Kalman also raised questions about the judge's legal authority to "gag" a selectman, who is an elected official. He also said Consentino never was told in the original May 10 order that he had to leave the meeting room when the selectmen discussed police matters. He asked if the judge's order was "legal and reasonable" to say Consentino violated the order when the order never spelled out the obligation to leave the meeting room.

Consentino, acting as police

tempt of court for failing to step away from the board when the selectmen took up police and elderly matters.

At that time, the judge did not assess fines but said he might do so if Consentino continued to run the meetings and stay in the room when the selectmen discussed police issues.

Consentino stayed in the meeting room Monday but made it clear he was there as chief of police. For his appearance as police chief, Consentino changed out of a button-down Oxford shirt he wore to the selectmen's meeting and put on a shirt with the Atkinson Police Department's name emblazoned on the back.

The change in attire illustrated he was moving from his role as selectman to his job as chief, but he also referred to himself as "this gentleman" and "the police chief" in his different roles, as if speaking about a stranger.

Consentino, who is also director of the Elderly Affairs Department, talked about himself in the third person and implied he was also taking some pains Monday to avoid stepping on the wrong side of a judge's contempt finding.

chief, was in the middle of a pitch Monday to the selectmen about his new police sergeant's benefits when he realized he had left a piece of paper he needed on his selectmen's desk.

"I'll just go over to this gentleman's desk," he said, reaching in front of the empty chair he had been sitting in minutes earlier as Selectman Consentino.

The pretense that the police chief and the selectman were two different people drew some giggles from people watching the meeting. But Consentino said afterward he was only trying to go by the book and follow the judge's order.

Consentino has been ordered to avoid possible conflicts of interest when the selectmen discuss or vote on matters impacting departments he runs. On Sept. 6, Judge McHugh found Consentino in con-

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