

# Court to selectman: Sit in audience for police/elderly matters

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**BRENTWOOD** — Atkinson's police chief says he won't have to change his behavior as a selectman, despite a court order ironed out yesterday that tells Phil Consentino he'll have to move his chair when selectmen want to talk about police matters or elderly affairs.

"Just as I've done in the past, I don't vote on any issue regarding the Police Department or elderly affairs," he said, following two hours of closed-door negotiations in Rockingham County Superior Court. "It changes nothing."

Now, he says, he'll go sit in the audience and talk about the issues until the rest of the board votes.

Budget Committee member

Mark Acciard asked a judge to issue an injunction against the chief and the town after Atkinson's Code of Ethics Committee found last year that Consentino, who works part time as police chief and serves as selectmen chairman, had no conflict in deliberating on police matters.

Acciard said yesterday he asked for a court injunction because the chief held a public hearing at a selectman's meeting in March 2004 in which he asked fellow board members to allow the department to tap into a public donation account. He said he did not file a similar action against Selectman Fred Childs, whom he filed an ethics complaint against as well, because selectmen do not

vote on as many matters regarding town maintenance issues. The ethics committee found Childs, who serves as the town's maintenance supervisor, had no conflicts in holding dual roles as well.

"The point of this is that it's a shame that a private citizen had to spend his own money to get a judge to tell (Consentino) to do the honorable thing and step aside whenever there is possibly a conflict," Acciard said. He estimates legal expenses will cost him \$8,000 to \$10,000.

The battle between Consentino, who has worked for the department for 35 years and serves at Atkinson's elderly affairs director, and Acciard, a budget committee member for five years, is expected to continue at the Brentwood court house in the months ahead.

The chief filed a civil suit against Acciard for defamation of character and said yesterday he plans on continuing with the lawsuit.

Consentino emphasized that he's made sure to take extra measures in ensuring there was no conflict of interest since winning his seat as selectman in 2003. Last September, he signed a stipulation with the town that he would accept no raises for himself, his wife, Joanne, and his son, David, during his tenure as selectman. The agreement says the chief will not pursue any raises retroactively for himself or family when his term as selectmen ends. Town employees received a 3 percent raise within the last year.

"I'm the lowest paid police officer in town — \$12.84 an hour," he

said. "I'm sure as hell not in this for the money."

Acciard says he considers the agreement a victory because if the chief were to try and vote on matters concerning the police department or elderly affairs, he would be in contempt of the court order. His lawyer, J.P. Nadeau, said lawyers were working with an agreement that they proposed six months ago. Judge Kenneth McHugh is expected to write an order that spells out the agreement in detail.

Town lawyer Sumner Kalman said the agreement will ensure "everyone is going to move forward in good faith. What this says is that what's Phil's doing is OK, and he's going to continue doing it."