Town pays $31,000 to retiring captain

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Opponents vow to continue fight

By JUNE PETERSON
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WINSTED — With a severance check of $31,000 in hand, Capt. Francis J. O'Neill left the police department for the last time yesterday.

The retirement of O'Neill, a 28-year veteran of the department, marked the apparent end of a lengthy battle for the officer, who fought to receive the severance pay.

"It feels pretty good," a happy O'Neill said yesterday about his retirement, officially effective July 1. Town Manager Wayne W. Dove, acting on advice from Town Attorney Stephen O. Allaire, gave O'Neill the check about 6 p.m. yesterday.

But one opponent of the severance pay package vowed yesterday that the fight has not ended.

Selectman Walter D. Miller, who helped spearhead a petition drive to bring the severance pay package to a referendum vote, said that the issue will be brought to court.

Miller was angered that a petition submitted yesterday with about 360 signatures was did prevent the check from being issued. The petition asked that a resolution giving O'Neill $14,430 in severance pay be rescinded through a referendum. The $14,430 is the amount that taxpayers would contribute to O'Neill's retirement above and beyond the monies owed to him through the police union.

"I think it's an incorrect decision by the town attorney," Miller said. If the petition had been honored, then the process of issuing the check would have immediately stopped receipt of the petition until the referendum.

In a written opinion received by Dove at 3 p.m., Allaire stated that Dove could issued the check despite the petition. According to Allaire's opinion, the town charter states that voters cannot block appropriations under $15,000.

Community lawyer Charlene LaVoie, who helped to draft the petition, differed with Allaire's interpretation.

The charter specifically states that residents cannot challenge "an ordinance," for a special appropriation under $15,000. LaVoie said that selectmen did not adopt an ordinance, which is a law, but a resolution, therefore it may be challenged by petition.

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"I think the citizens that signed that petition are going to be very angry about this," LaVoie said. "I'm talking about the procedure involved here not the substance of the retirement package ... I think we've just seen a violation of the charter."

LaVoie said she will not initiate any action against the town, but said she would help any citizens interested in pursuing the issue.

Miller stated that the court upheld the citizens' right to petition for a referendum vote in 1988 over the demolition of a portion of the Mary P. Hinsdale School. The Board of Selectmen, acting on the town attorney's advice, ruled the petition invalid, and citizens took the issue to court. The court ruled the petition had to be honored.

O'Neill's attorney, Richard Lavieri of Winsted, said that he believes the petition is invalid, and therefore the process finished. "I think it's unfortunate that the opposition feels like it does," he said. "But what they're advocating is going back on a deal." Lavieri said he is prepared to defend O'Neill's interests if further legal actions are pursued.

Dove said the petition will be brought before the board at its meeting Monday. "I think that has to be addressed by the board," Dove said.

Dove said that as an administrator he would not have approved giving O'Neill the severance pay under the circumstances, but he was only carrying out the wishes of the board and on the advice of Allaire.

On Monday the board voted 4-3 to make the necessary fund transfers for O'Neill's retirement package. Under the package, O'Neill receives $21,070 in accrued sick and vaction pay. The police union agreed to $5,000 in concessions toward the retirement, and the town will pitch in $10,000 as severance pay. The town will also pay for one year's medical benefits for $4,430. The $31,000 was the