

Retirement pact challenged

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WINSTED - Selectmen yesterday were presented with copies of a lawsuit charging them with illegally granting an early retirement package to former police Capt. Francis J. O'Neill.

The suit asks that they convene a special town meeting to reconsider the retirement deal.

The suit, prepared on behalf of town resident Patricia Mills by Community Lawyer Charlene LaVoie, alleges that selectmen violated the town charter by not honoring a 360-signature petition

requesting a town meeting to vote on O'Neill's retirement plan.

The complaint also questions the authority of selectmen to grant O'Neill a retirement package that goes beyond what was contracted between the police union and the town.

By going beyond that arrangement, selectmen violated the charter, LaVoie said.

"What the suit is trying to vindicate is the town charter and the right of the people to petition,"

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Retirement package challenged

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LaVoie said. Mills would not comment yesterday.

The suit requests an order from the court "directing the Board of Selectmen to submit the petition to the electors at a Special Town Meeting."

In addition, the suit asks the court to restrict selectmen from paying non-contracted "bonuses, compensation, benefits or other types of payments" to any employee.

LaVoie was unwilling to speculate yesterday on the suit's possible repercussions. If the petition is ruled valid by the court and O'Neill's benefit package subsequently defeated at a town meeting, LaVoie said it would be up to the court to determine whether O'Neill would have to return his retirement pay to the town.

What is certain is that the suit has rekindled the blaze that raged for months over whether to grant O'Neill his retirement money.

And the proximity of Tuesday's elections is only adding fuel to that fire.

Not only are all seven members of the board named in the suit seeking re-election, but O'Neill has joined the Republican slate seeking the same office.

"The thing I find very interesting is the timing of this whole thing," O'Neill said yesterday. He offered no other comment.

With elections less than one week away some selectmen suggested that the suit was a political

maneuver by the community lawyer's office designed to discredit selectmen who were in favor of granting O'Neill his money and, perhaps, O'Neill himself.

The suit "is a well rehearsed political move timed perfectly for elections," Democratic Selectman Brian W. Sullivan said yesterday.

Sullivan voted in favor of giving the retirement package to O'Neill and said he would "have absolutely no problem going to court to defend it."

LaVoie, however, said the four-month delay between when O'Neill was given his money and the filing of the lawsuit was due only to a backlog of work in her office.

Selectmen who had been opponents of granting the package said yesterday they were pleased to receive the lawsuit from the sheriff yesterday.

"I believe the board acted incorrectly," Selectman David A. Cappabianca said.

Selectman Walter D. Miller, who spearheaded the petition drive, said as a member of the board he "pleads guilty," and agrees with Cappabianca that the group was wrong when it did not honor the petition requesting the town meeting.

As evidenced by strong feelings it evokes months later the decision to grant O'Neill his retirement package was one of the most divisive issues the current board dealt with, leading to an Ethics Commission hearing and

the firing of Town Attorney Stephen O. Allaire.

That sequence of events will play a significant part in next week's election when a group of Democrats goes for re-election without their own party's endorsement. Citing the firing of Allaire, the Democratic Town Committee refused to endorse the group.

Despite what it may have become, the package was first offered in an effort to save a police officer's job. In the 1991-92 budget, a captain's job is eliminated. At first, Capt. Jerold E. Silverio's job was cut. But under the union contract, because of his seniority, Silverio could choose to take the job of an officer below him, and so on down the line, until the last officer hired would be out of a job.

The board began negotiating with Silverio for severance pay that would allow him to retire and save a junior officer's job. However O'Neill, as senior officer, said the package should be offered to him and not Silverio.

The board started negotiating with O'Neill and in June selectmen approved a retirement package that would pay O'Neill around \$40,000.