Woman sues selectmen over retirement package

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WINSTED — Legal papers were served Tuesday in a lawsuit by a Winchester woman charging that the selectmen violated the town charter when they failed to call a town meeting to approve a $14,430 retirement package for police Capt. Francis J. O'Neill despite a petition filed by citizens seeking the meeting.

O'Neill, a member of the police department for 28 years, retired July 1. He is a Republican candidate for selectman in the Tuesday town election.

Patricia Mills of Winchester is the complainant in the suit. Mills is represented by Charlene LaVoie, the town's community lawyer, hired by the Shafeek Nader Trust to be an advocate for residents.

LaVoie said papers for the suit were served on the selectmen Tuesday afternoon. The suit names Mayor James A. Pettit and selectmen William H. McCabe, Nancy Peters Habbal, Brian W. Sullivan, Walter D. Miller, John F. Gauger Jr. and David A. Cappabianca as defendants. The suit is returnable to Superior Court in Litchfield Nov. 19.

Selectmen voted 3-2 June 3 to approve a severance payment of $10,000 and $4,430 for medical benefits to "a police captain," court documents said.

McCabe, Pettit and Sullivan voted yes; Cappabianca and Miller voted no.

The complaint says a motion to rescind the June 3 vote failed in a 3-3 tie vote of selectmen June 11. Cappabianca, Miller and Gauger voted to rescind with Sullivan, McCabe and Pettit opposed.

The complaint says that Mills and other citizens filed a petition with 350 signatures at noon June 28 calling for a town meeting on the question. About the same time, Town Clerk William T. Riiska told Town Manager Wayne W. Dove about receiving the petition, the documents say, and about 3:30 p.m. the same day, Dove disbursed the $10,000 as severance and $4,430 in medical benefits to O'Neill.

The lawsuit asks that the court order the selectmen to call a town meeting in accordance with the petition.