

Winsted mayor wants lawyer to pay suit costs

6/13/91 By JUNE PETERSON
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WINSTED — A portion of a lawsuit challenging a \$10,000 payment to a retiring police captain was dismissed in Litchfield Superior Court Thursday.

And because this is the second "political" suit lodged against the town by Community Lawyer Charlene LaVoie that failed, Mayor William H. McCabe wants LaVoie's office to pick up the legal fees.

The suit, filed on behalf of resident Patricia Mills, stemmed from selectmen granting former captain Francis J. O'Neill \$10,000 to retire on June 3, 1991. The \$10,000 was in addition to O'Neill's regular retirement pay, and

turned into the first of several battles that would divide the Board of Selectmen.

O'Neill was elected to the Board of Selectmen in November 1991.

The portion of the suit dismissed by Judge Walter M. Pickett asked that the court restrict selectmen from paying non-contracted "bonuses, compensation, benefits or other types of payments to municipal employees."

Stephen O. Allaire, a former town attorney, who argued the case for the town, said it was dismissed by the court because it "was not a proper subject for a lawsuit."

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Part of suit dismissed

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O'Allaire said he tried to "have the whole case thrown out," but was only partly successful.

LaVoie did not want to comment on the decision yesterday because she had not received it yet. She also did not want to comment on McCabe's proposal to send her the legal bill.

The other half of the suit requests that the court order selectmen to honor a 300-signature petition that called for a town meeting to vote on O'Neill's retirement plan.

If the rest of the case goes to trial, Allaire's legal fees could run from \$3,000 to \$10,000, he estimated. So far, fees have totaled about \$4,000, he said.

In light of the decision, McCabe proposed that legal fees accrued by the town should be sent to the community lawyer's office for payment.

"I think it's a reminder that this is a cost that wouldn't have been incurred if this lawsuit hadn't been brought," McCabe said.