

Legal opinion states: Town manager must reside here

By JUNE PETERSON
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WINSTED — The town manager must permanently live in Winsted to comply with the town charter, Town Attorney Kevin F. Nelligan stated in an opinion issued Tuesday.

Town Manager Paul S. Vayer had asked Nelligan to address the residency issue. Vayer, a New

Britain resident, was appointed Oct. 1. The town charter requires residency, but the commission Tuesday voted to delete the rule. Further votes must be taken.

On Tuesday, Vayer was reluctant to comment extensively on the opinion.

"I have to take the town attorney's opinion as it is," he said. "I can only respond to that."

He did say he expected there would be a distinction between residency and domicile in Nelligan's opinion. If he said he did not disagree with the opinion, and would abide by it.

In his opinion letter, Nelligan stated, "Domicile consists of actual residence coupled with the intention of permanently remaining. One may have two or more

residential addresses but only one domicile at any one time. Our charter does not state the town manager must maintain a residence in town. If the charter did have such language, a temporary transient living arrangement may be permitted . . ." he continued. "The charter requires the town manager to reside in the town. 'Reside' implies something

Permanent residency required for manager

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offered different opinions on the residency issue, Selectman Brian W. Sullivan said. In fact, former town manager Wayne W. Dove was in compliance when he rented an apartment in the Hotel Whiteaker, although he lived in Colebrook.

Community lawyer Charlene LaVoie also said she interprets a difference between domicile and residency. She questioned why the town attorney, when one already existed from a previous attorney, "and, in my opinion, addressed it properly," she said.

The residency issue has haunted Vayer throughout his town manager career. His non-residency in Winsted in part played a role in his resignation in 1981, where it had become an issue. He resigned as town administrator in Derry, N.H., after he lived in Derry five

days during the week, and in New Britain with his wife, Vivian, the rest of the time.

Although Vayer has attempted to sell his house over the years, he has been unsuccessful, and has said he does not want to take a loss on it. When asked whether it currently was on the market, he said, "There's a sign on the lawn."

Selectmen for the most part, are pleased with Vayer's performance, including the past six months as acting town manager.

"I think Paul did say he would meet whatever the opinion on the requirement was," Selectman John Forrest said, and he was certain Vayer would comply.

"I think it would be a tragedy to lose an excellent town manager for an issue like that," Sullivan said. In the days of beepers and car phones, the residency requirement is outdated anyway.

Sullivan said.

Selectman Porter C. Griffin III said, "I'm not going to rush into any judgments."

Selectmen may set a time limit for Vayer to comply, Griffin said. The time limit may coincide with the vote on the proposed charter revision. If the residency clause is amended in that revision and the charter adopted, the issue may be moot.

In the past, charter revisions have been placed on ballots as accepting the complete revision, or not at all. Griffin said he would advocate a lengthy referendum with each question voted on.

"I've been hearing out there the town lost the opportunity to employ Paul Vayer once," he said. "Don't do it again."

Vayer was acting town manager in 1982, but applied for the permanent job too late in the process.

more permanent than just a residence, something akin to a domicile.

Nelligan's opinion was a surprise to most, who expected that Vayer would probably be allowed to maintain an address in town, while living in New Britain.

Previous town attorneys have

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