

McCabe, selectmen swap charges

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WINSTED — Mayor William H. McCabe greeted yesterday's announcement that a 1991 lawsuit against the town had been dismissed by blasting the suit and a trio of selectmen he claimed initiated it for political reasons.

The suit, filed by Community Lawyer Charlene LaVoie on behalf of town resident Patricia Mills, was dismissed last week by Superior Court Judge Walter D. Pickett, but the notice did not reach town officials until yesterday. The suit protested

the board's decision to grant former police captain Francis J. O'Neill a supplementary \$10,000 retirement benefit. O'Neill was elected to the Board of Selectmen in 1991 as a Republican.

One portion of the suit was dismissed by Pickett in 1992. What remained in litigation until last week's action was a request for a court order directing town officials to honor a 1991 petition calling for a town meeting on the payment to O'Neill.

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McCabe, selectmen trade charges

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In a press release issued yesterday, McCabe, a Republican, said selectmen Walter D. Miller, an unaffiliated voter and former Democrat, John F. Gauger Jr., a Democrat, and Brian W. Sullivan, a Democrat, were behind the lawsuit and consistently attempted to delay or work against the town's defense.

LaVoie was not available for comment last night.

"This politically motivated lawsuit was initiated by Selectmen Miller, Gauger and Sullivan, even though they were listed as defendants, by working as a clique with the community political lawyer as part of an election strategy," McCabe stated in his release. "The suit was filed four months after Captain O'Neill's early retirement and a few days before the '91 election."

McCabe charged that Miller, Gauger and Sullivan attempted to "restrict the town's defense, hoping it would lose."

"As early as Sept. 30, Gauger secretly gave opposing counsel an affidavit which she attempted, unsuccessfully, to present in court, without even informing the board or town counsel defending the town," McCabe states in the release. "This action was consistent with Selectman Miller's announcement simultaneous with the filing of the suit that the town was guilty."

Sullivan and Miller immediately fired back, charging that McCabe's response, not the suit, was prompted by political concerns. Gauger was not available for comment last night.

"I would have to say that the only one being political here is the mayor," Sullivan said. "It's quite obvious to me that the time Bill has left in office will be spent being completely political."

Pointing out that he voted to grant O'Neill the controversial retirement benefit, Sullivan called on McCabe to give proof supporting his charges.

"I'm amazed that the mayor would make such an outrageous accusation without proof. The fact is, I voted to give Bud O'Neill the money," he said. "I would hardly pursue a strategy of trying

to help the case when I voted to give him the money in the first place."

Miller echoed Sullivan's claims, saying "This is not dead, as far as I'm concerned." Miller also resumed his attack on Town Clerk William T. Riiska, a Democrat. The motion that led to the suit's dismissal was built around the fact that the petition calling for a town meeting was never certified by Riiska.

"This thing is not over," he said. "Riiska didn't do his job. Otherwise, this thing never would have been dismissed. It's not up to Riiska to say whether the petition is good or bad. He should do his job and leave it up to the selectmen to act."

Saying that McCabe "can call it any way he likes," Miller attacked the mayor on the familiar theme of former Town Manager Wayne Dove's firing. Dove was fired shortly after the election in 1991. Miller has consistently said the action was politically motivated and orchestrated by McCabe.

"He plays politics more than anybody," Miller said. "He fired Wayne Dove. If that wasn't politics, I don't know what was."

McCabe concludes his release by stating, "the real danger the town and the next board will continue to face is whenever a few selectmen, working with a political lawyer, can bypass the charter and the people through a pattern of legal and public intimidation."

"While this pattern has not been successful in undermining government the last four years, the margin has been close and citizens should be on guard for the future," he said. "The pattern is there, the goal is control, the means are unimportant."

After issuing the release, McCabe rejected any suggestion that his response was politically motivated.

"I wouldn't say it if I didn't think it was timely. The court just decided, after all," he said. "And I think it is a real clear example of what government has had to go through over the past couple of years."