

Miller wants to delay fir

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WINSTED — Selectman Walter D. Miller said yesterday he will seek a court-ordered delay of Saturday's fire chief election in order to allow a judge to make a decision concerning his eligibility for the job.

Members of the Winsted Fire Department are scheduled to vote for either Miller or incumbent Chief John L. Fratini during Saturday's election.

Because Miller is a selectman he may not be eligible for the position, according to a ruling by Stephen O. Allaire, the town attorney.

The town charter prohibits selectmen from holding any town position that pays a salary during their term and for two years after they leave office. The fire chief earns \$7,000 a year.

A recently modified state law also prevents any town employee from holding a town office that has direct supervision over the employee's job.

As fire chief, Miller would be answering to the Board of Selectmen, of which he is also a member, Allaire said.

"You can't have both positions because you can't be in control of yourself," Allaire said.

But central to Allaire's decision

is defining the fire chief as a municipal employee. Because the fire chief does not receive benefits or paid vacation and because it's a volunteer position, Miller contends the fire chief is not a municipal employee.

"I'm running as a volunteer," Miller said yesterday, adding he intends to seek a declaratory judgment from Superior Court determining whether the fire chief is really a town employee.

"I think the question is whether I'm a municipal employee and that's got to be answered in court," Miller said. "I'm not sure myself. I think the court should make that decision."