Vote on petition may bring lawsuit

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WINSTED — The Board of Selectmen voted 4-3 last night against asking the town clerk to certify a 1991 petition which asked for a vote on a $10,000 benefit given to a retiring police captain.

The selectmen's vote may open the town up to legal action by the community lawyer's office.

Community lawyer Charlene LaVoie wrote Mayor John F. Gauger Nov. 17 requesting the town review the town clerk's handling of petitions. At issue was the 360-signature petition Riiska failed to certify in 1991. The petition asked for a town meeting on the supplementary retirement benefit given to Francis J. O'Neill. Riiska has said he consulted with former Town Attorney Stephen O. Allaire, who told him not to certify it.

LaVoie later legally challenged the payment on behalf of resident Patricia Mills, but the case was dismissed in October because Riiska never certified the petition.

In her letter to Gauger, LaVoie wrote that the town clerk's inaction disenfranchised citizens and served to override the authority of the town meeting and the Board of Selectmen.

Democratic Mayor John F. Gauger Jr. last night cast the swing vote. Republican selectmen John F. Arcelaschi, John Forrest and Timothy J. Moran also voted against Riiska certifying the petition. Selectmen Anne Harding, Porter C. Griffin III and Brian W. Sullivan wanted Riiska to certify the document.

"For us to go back in time two-and-a-half years is ludicrous," Moran said.

After the vote, Riiska said he did not know whether he will certify the petition, but said he plans to consult with Town Attorney Kevin F. Nelligan.

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When asked last night whether she would pursue legal action, LaVoie said, "We'll have to now address that and think about it." She said the amount of time that has passed since the petition was submitted is irrelevant.

Nelligan issued an opinion that in the future Riiska should certify signatures on the petition and then pass it on to the Board of Selectmen to determine its legality. The board unanimously voted, with one abstention, to implement that policy in the future.

Arcelaschi abstained. Gauger asked Riiska to submit a written description of how he will handle petitions in the future. Arcelaschi opposed the written policy, saying it was unnecessary.

LaVoie said afterwards she was pleased the board created a policy that adheres to the town charter and will stop the town clerk from taking matters into his own hands.

"But I find it curious (Nelligan) said the town clerk should follow the charter in the future. Wasn't he really acknowledging he didn't follow it in the past?" she asked.

"There's no question (the board) acknowledged there was a problem," she said.