

12/28/93 R/C

Miller to sue Winsted, town clerk over petition

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WINSTED — A former selectman has notified the town he plans to take legal action unless Town Clerk William T. Riiska certifies a 1991 petition.

Selectman Walter D. Miller wrote a letter to Riiska Dec. 23 stating he plans to take action against the town and Riiska after Riiska refused to certify the petition.

"There's a principle here," Miller said last night. "I want the vote that we're entitled to."

Despite talk from some townspeople that the issue should be laid to rest after two years, Miller plans to pursue it.

"I don't care if everybody in town says they don't want to press this, I'm going to press it,"

Miller said last night.

In 1991, Miller and other residents spearheaded a 360-signature petition calling for a town meeting to consider the selectmen's decision to grant retiring police captain Francis J. O'Neill a \$10,000 supplementary retirement benefit.

Riiska never certified the petition. A suit challenging the board of selectmen's approval of the payout was thrown out of court in October because Riiska never certified the petition.

Miller said he intends to ask community lawyer Charlene LaVoie to file suit against the town. If she declines, Miller said he will find another attorney. LaVoie has already stated she may take legal action against the town over Riiska's actions.

Riiska yesterday did not want to comment on Miller's letter. He stated he forwarded it to Town Attorney Kevin F. Nelligan. Riiska has not certified the petition yet, and believes he is not required to.

Riiska has said he did not certify the names on the 1991 petition because he was told by then town attorney Stephen O. Allaire it was an invalid petition, therefore he did not have to follow the process.

In an opinion letter to the Board of Selectmen written earlier this month, Nelligan states that Riiska should certify signatures on all petitions and let the Board of Selectmen determine their legality. However, Nelligan noted that without a specific law preventing

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the town clerk from deciding upon the validity of a petition, an argument could be made that Riiska has authority to act.

The town charter states, "The petition shall be filed with the Town Clerk, who shall within fifteen (15) days or within such time period as may be set by the Connecticut General Statutes determine whether the petition and affidavits to be sufficient by comparing the names of the electors appearing thereon with the latest effective official list of the Registrar of Voters."

Miller added he is still miffed Allaire racked up about \$15,000 in bills defending the town against the lawsuit.

Allaire should have tried to have the case thrown out long ago when he realized the petition was not certified, rather than dragging it out, Miller said.

"I think it was intentional," Miller added. "And for Riiska just to sit there and say he's not going to (certify) the petition, I have a major problem."