

# e chief vote in Winsted

Charlene LaVoie, the community attorney, said she does not believe the decision that Miller is not eligible can be made so easily. The term "municipal employee" is not defined by the new state law, LaVoie said.

"I can't say whether the fire chief is a municipal employee," she said.

Although she is not representing Miller, LaVoie did provide Miller with her questions about the law and what some of his options are. Since the election is scheduled for Saturday, Miller said he will also ask the court to postpone the election until a decision is made by the court.

Because of the question about his eligibility for the fire chief job, Miller said it would be impossible for a fair election to be conducted. Miller said some firefighters might vote against him in order to avoid legal problems and a battle with selectmen. Selectmen, by charter, have the right to approve or reject the chief selected by firefighters.

Miller said yesterday he plans to obtain counsel either today or tomorrow to take the petition to the court.

If elected, Miller said he intends to serve without taking the \$7,000 salary.

According to Allaire's ruling,

that is not enough. Because a salary exists for the position, Miller cannot hold the fire chief job. If the salary, however, is removed and the fire chief position is made non-paying, Miller could take the job without violating the charter, Allaire said. But to satisfy the state law he would also have to resign from the Board of Selectmen.

If he is forced to choose, Miller said he would remain a selectman.

"I don't intend to leave the Board of Selectmen because I made a commitment to the people who elected me," he said.