

# Judge: Town board has authority to

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WINSTED — A crusade to stop an unpopular firing of Winsted's town manager ended yesterday at Litchfield Superior Court, where a judge upheld the Board of Selectmen's authority to dismiss Wayne W. Dove without a referendum.

And with the court case now behind it, the board plans to act swiftly. Town Manager Wayne W. Dove, the town's top administrator, will probably be fired Thursday, Mayor William H. McCabe

said yesterday.

In her decision, Judge Anne C. Dranginis said Community Lawyer Charlene LaVoie had a "compelling" argument in calling for a referendum. But the judge added that the argument "simply does not square with the charter as a whole."

The town charter states that in order to fire a town manager, the board must take two votes — a vote of intention to fire and then, 30 days later, a vote to fire.

LaVoie argued that the charter stipulates a two-step process for firing the

town manager in order to give the citizens the opportunity to challenge the Board of Selectmen's vote of intention to fire.

LaVoie argued that the mandatory separation of the votes created a "window of opportunity" during which the citizens could challenge the selectmen's vote of intention by bringing the issue to a referendum.

Town Attorney Mark J. Svonkin, who represented selectmen, disagreed, stating that the charter gives the right to remove

a town manager explicitly to the Board of Selectmen, not the electorate of the town.

Dranginis sided with Svonkin, writing in her decision that the "requirement that the Board pass a resolution of intention to remove is merely to serve notice upon the Town Manager, not upon the citizenry."

In her decision, Dranginis also cited legal precedents which state that in Connecticut a "charter of a city must be construed, if possible, so as reasonably to promote its ultimate purpose."

Dranginis wrote that Section 501 of the

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charter says the town manager shall "serve at the pleasure of the Board of Selectmen." That section makes it clear that the intention and "ultimate purpose" of the charter's authors was to give the authority to fire a town manager solely to the Board of Selectmen, she wrote.

Although Dranginis did not comment, in her decision, on whether she thinks the Board of Selectmen should have that authority, she ended her decision by gently

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