

Dove's dismissal upheld

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prodding the town toward reviewing its charter.

"This court, having been petitioned to construe the Charter for the Town of Winchester, and having done so, leaves to the citizens of the Town of Winchester the ability to assess whether or not the Board of Selectmen should retain the right to terminate the Town Manager as this Charter does," she wrote in her decision.

She went on to say that her decision had nothing to do with the legitimacy of the decision to fire Dove. "The Court has not been asked to construe the merits of the action," she wrote. "That power remains with the people of the Town of Winchester."

But although that power may be used to effect long-term change, the opportunities for it to be used to save Dove's job are clearly running out.

None of his proponents' efforts so far appears to have swayed the four selectmen who voted to fire Dove by the end of the year.

Their efforts include: a petition signed by 1,600 residents requesting the reinstatement of Dove; a 330-signature petition asking for a referendum; a turnout of 300 people at a public hearing, the vast majority of whom spoke on Dove's behalf; and the formation of a group, the Citizen's Coalition for Open Government, to help Dove.

LaVoie would not comment last night on whether she would appeal the judge's decision.

However, it was "unfortunate that the court narrowly construed the provision of the charter," she said.

"It is clear from the language of the decision that the court understands why the citizens were upset and concerned and the court also made it clear that although it couldn't do anything about this particular situation, the people

have the power to do something about it," she said.

LaVoie said the next step may be the formation of a Charter Revision Commission.

The original complaint was filed during the afternoon of Dec. 4, only hours before the board was set to vote on Dove's employment.

Acting on behalf of Audrey Kelsey and Ruth Wheeler, community lawyer Charlene LaVoie successfully argued for a temporary injunction halting a vote to fire Dove. But yesterday's decision releases that injunction, making it possible to hold the vote to terminate employment.

"We have been on hold for 19 days and now the board has to get on with its business," McCabe said. "We will complete the process."

McCabe said he believes that the votes have not changed and that he, along with Francis J. O'Neill Jr., Nancy P. Habbal and James A. Pettit, will fire Dove.

If the meeting can be held on Thursday, he expects to hold another on Monday Dec. 30 to hire an interim town manager. Town Clerk William T. Riiska was named acting town manager Nov. 18, the same night the board voted on their intention to fire Dove, suspending him immediately.

But a court decision in their favor has not silenced critics of selectmen. The critics have been dissatisfied with the board's reasons since they were first stated. The board stated it had lost confidence in Dove's ability to communicate and to administer the business of the town.

"What they have done to (Dove) and the town manager form of government is an injustice to both," Kelsey, one of the plaintiffs, said yesterday. "The town manager form of government is workable but we need to get the selectmen to set politics aside."