

Winsted

Superior Court hears appeal concerning former town manager

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WINSTED — The question of who has the power to fire the town manager was argued in Litchfield Superior Court Wednesday, but the answer and the town's future remain unclear.

Judge Anne C. Dranginis said she needed some time to sort out the complex issues of citizen rights and government regulation presented by lawyers. The judge didn't set a specific date by which she will rule.

"There are some real issues here, and I applaud counsel for presenting them," Dranginis said, adding that she hopes the case will prompt people in town to voice their opinion on town government and its charter. "As we all know, those things can be changed."

Both sides in the struggle have said they might attempt to revise the charter if they lose the case.

Until Dranginis makes a ruling, Town Manager Wayne W. Dove will remain suspended and a restraining order will remain in effect barring selectmen from making his dismissal final.

Lawyers for both the residents and the town showed in court Wednesday that they have widely differing views of what the current charter says about how the town

should be run.

Community lawyer Charlene LaVoie, who brought the lawsuit on behalf of residents who want a referendum on Dove's dismissal, contended that the charter specifically gives people the right to challenge decisions to fire a town manager by setting up a two-step system. Selectmen must first vote on their intention to fire a manager, then must vote again to make the firing final.

LaVoie argued that the removal process was set up that way to give the public a "narrow window" through which to challenge a firing. The charter allows people to hold referendums on most selectmen's decisions, except for a vote to fire a town employee.

That's why the charter calls for two votes on the town manager, LaVoie argued, so people can challenge the first vote.

"The selectmen still have the power to hire and fire; this only allows the town meeting to challenge the firing," LaVoie said. "If the charter didn't intend for people to have this window of challenge, it could have specifically exempted it."

Town Attorney Mark Svonkin argued that the firing process was broken into two votes only to give the town manager notice. He pointed to charter sections that state the town manager serves "at the pleasure" of

the selectmen, and that the selectmen alone hire the town manager.

"The power of appointment brings with it the power of removal," Svonkin said. "To put limitations on removal is to put limitations on the power to appoint."

Svonkin also said that LaVoie was trying to split the firing process into two votes when it is clearly one action. And the charter specifically prohibits referendums on that action — removal.

Both lawyers also touched on broader issues of the town's power structure. LaVoie said the townspeople adopted the town manager form of government in 1961 so the town's chief administrator would be insulated from politics and not be replaced every time new selectmen were elected.

Dove was a victim of politics, LaVoie claimed, since selectmen could cite no specific problems with his job performance when they voted 4-3 to fire him on Nov. 18.

Svonkin argued that the court battle is not about Dove, but about the structure of the town's government. He argued that the firing of a town manager is a personnel issue, a category that is handled by the executive branches of government.

While the residents at a town meeting are part of the town's legislative branch, they have no executive or administrative powers, Svonkin said.

"When you look at the charter as a whole, and in historical context, it's clear the power to remove a town manager is the exclusive right of selectmen," Svonkin said.