Referendum on town manager ruled out

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WINSTED — A Superior Court judge ruled Monday that townspeople cannot hold a referendum to decide the fate of suspended Town Manager Wayne Dove, clearing the way for selectmen to fire him.

In her decision, Judge Anne C. Dranginis said the town charter does not allow for such a referendum and leaves the power to fire a town manager in the hands of selectmen.

But Dranginis said that people could share that power if the charter was changed to include them.

Charlene LaVoie, the lawyer who filed the suit seeking a referendum, said Dranginis' decision was a partial victory because it recognized the right of citizens to be involved in this kind of decision.

"She didn't say people couldn't be involved, she just said the right to hold a referendum would have to be explicitly written into the charter," LaVoie said. "And there's nothing stopping people from fashioning a change to the charter."

LaVoie, who was notified of the decision Monday night, said she did not know whether she would take further legal action on behalf of residents.

Town Attorney Mark Svonkin said the decision upholds the town's charter and the power selectmen are given by it. Svonkin said he agreed with Dranginis that if people want to vote on the hiring or firing of a town manager, they had every right to change the charter to do it.

"I said in my brief that if people want to vote on the town's chief executive, they can adopt a strong mayor form of government," Svonkin said. "But under the charter now, the chief executive is hired and fired by selectmen."

Residents adopted a town manager form of government in 1961 because many felt the chief executive should not be subject to politics.

To change the charter, residents could petition selectmen to form a charter revision commission which would recommend changes that would be put to a townwide vote.

Dove, who has been town manager for a little more than a year, was suspended Nov. 18 by a 4-3 vote of selectmen. A second vote is needed to remove him permanently. Hundreds of residents protested the suspension, and took various actions, including filing the lawsuit asking for a referendum.

Svonkin said he did not know when selectmen might take another vote on Dove. The next scheduled selectmen's meeting is Jan. 2. The four selectmen who voted to fire Dove had said the public uproar did not change their minds, and at least two said they thought Dove was playing favorites with some selectmen and residents.

Dove's suspension is supposed to end Dec. 31. It is unclear what will become of his status if selectmen do not vote on him by then.