

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE CITY COUNCIL

IN CITY COUNCIL
FEB 5 1931

READ:
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

Rose M. Mendonca CLERK

* * * * *

PROCEEDINGS AT HEARING *

IN RE: SUSPENSION OF *

CLEMENT J. CESARO *

* * * * *

Fourth Day
December 9, 1980
4:00 P.M. and 8:30 P.M.
City Council Chambers
Providence, Rhode Island

BEFORE: CITY COUNCIL MEMBERS

APPEARANCES:

For the City.....VINCENT J. PICCIRILLI, ESQUIRE

For Mr. Cesaro.....WILLIAM Y. CHAIKA, ESQUIRE

For the Council.....JOHN ROTONDI, ESQUIRE

ALLIED COURT REPORTERS
115 PHENIX AVENUE
CRANSTON, R.I.
781-1984

1 THE PRESIDENT. Clerk, call the roll,
2 it is 4:30, the meeting was supposed to start at 4:00.

3 ROLL CALL. President Fargnoli: Here.
4 Mr. Addison: Absent.
5 Mr. Amalno: Absent.
6 Mr. Boyle: Absent.
7 Ms. Brassil: Absent.
8 Mr. Cirelli: Absent.
9 Mr. Cola: Absent.
10 Mr. Dillon: Here.
11 Mr. Easton: Here.
12 Mr. Farmer: Here.
13 Mr. Flynn: Absent.
14 Mr. Glavin: Absent.
15 Mr. Griffin: Absent.

16 THE PRESIDENT. Councilman Johnson left.

17 MR. CHAIKA. His sandwich is here.

18 MR. PICCIRILLI. Sandwich can't vote.

19 Mr. Lynch: Absent.
20 Mr. Mansolillo: Absent.
21 Mr. Moise: Absent.
22 Mr. O'Connor: Absent.
23 Mr. Paolino: Absent.
24 Mr. Pearlman: Here.
Mr. Pennine: Absent.
Mr. Petrosinelli: Absent.
Mr. Salvatore: Absent.
Mr. Snowden: Absent.
Mr. Stravato: Absent.
Mr. Xavier: Absent.

THE PRESIDENT. Can't do any business.

We have five present, twenty-one absent, the hearing will
be postponed until 8:30 tonight.

(HEARING RECESSED TO 8:30 P.M.)

(HEARING RECONVENED 8:50 P.M.)

1 THE PRESIDENT. Clerk, call the roll.

2 ROLL CALL. President Fagnoli: Here.
 3 Mr. Addison: Here.
 4 Mr. Almagno: Absent.
 5 Mr. Boyle: Here.
 6 Ms. Brassil: Here.
 7 Mr. Cirelli: Absent.
 8 Mr. Cola: Absent.
 9 Mr. Dillon: Here.
 10 Mr. Easton: Here.
 11 Mr. Farmer: Here.
 12 Mr. Flynn: Absent.
 13 Mr. Glavin: Absent.
 14 Mr. Griffin: Absent.
 15 Mr. Johnson: Here.
 16 Mr. Lynch: Absent.
 17 Mr. Mansolillo: Absent.
 18 Mr. Moise: Here.
 19 Mr. O'Connor: Absent.
 20 Mr. Paolino: Absent.
 21 Mr. Pearlman: Here.
 22 Mr. Pennine: Absent.
 23 Mr. Petrosinelli: Here.
 24 Mr. Salvatore: Here.
 Mr. Snowden: Absent.
 Mr. Stravato: Here.
 Mr. Xavier: Absent.

MR. ADDISON. Mr. Snowden is here, Flynn
 and Glavin are here.

THE PRESIDENT. They have to be inside
 the rail. As soon as they come inside the rail we'll have
 a quorum.

MR. STRAVATO. Kenny Snowden went to get
 coffee.

MR. PICCIRILLI. Is there a quorum?

THE PRESIDENT. Council will be at ease.

It is 8:50.

1 I am afraid we are going to have to postpone it.
2 Clerk, call the roll.

3 ROLL CALL. President Fargnoli: Here.
4 Mr. Addison: Here.
5 Mr. Almagno: Absent.
6 Mr. Boyle: Here.
7 Ms. Brassil: Here.
8 Mr. Cirelli: Absent.
9 Mr. Cola: Absent.
10 Mr. Dillon: Absent.
11 Mr. Easton: Here.
12 Mr. Farmer: Absent.
13 Mr. Flynn: Absent.
14 Mr. Glavin: Absent.
15 Mr. Griffin: Absent.
16 Mr. Johnson: Here.
17 Mr. Lynch: Absent.
18 Mr. Mansolillo: Absent.
19 Mr. Moise: Here.
20 Mr. O'Connor: Absent.
21 Mr. Paolino: Absent.
22 Mr. Pearlman: Here.
23 Mr. Pennine: Absent.
24 Mr. Petrosinelli: Here.
Mr. Salvatore: Here.
Mr. Snowden: Absent.
Mr. Stravato: Here.
Mr. Xavier: Absent.

16 MR. EASTON. Madam Clerk, Councilman
17 Dillon is here.

18 THE CLERK. Councilman Dillon is recorded
19 as being present.

20 THE PRESIDENT. Twelve present, fourteen
21 absent. We do not have a quorum. Councilman Johnson, do
22 you wish to say something?

23 MR. JOHNSON. Yes, I did. Ladies and
24

PENGAD CO., BAYONNE, N.J. 07002 - FORM IL 24 B

1 gentlemen of the City Council, this evening there seems to
2 be a particular problem that exists and I have some ques-
3 tions as to why definitely a boycott seems to be in exist-
4 ence. There are enough Council members present to have a
5 quorum and suddenly I start checking around and start check-
6 ing the numbers and question why they left. Now, the ques-
7 tion seems to be that a number of them seems to be votes
8 that are favoring the Mayor in the continuation of these
9 hearings. Now, these hearings have reached the point that
10 I have found to be a fiasco. They lack credibility, and
11 I question the Mayor's reasons for prolonging these hear-
12 ings.

13 Now, we have some serious problems in the city, and
14 these problems can't be resolved by not having the Director
15 that's willing to get back and do some work. The city is
16 facing a very very large crisis, all of us know it, with
17 the garbage on the street, especially with the number of
18 people that are out of work, to take up the time of the
19 City Council with seven hearings in the course of this
20 decision that has to be made as to whether Mr. Cesaro has
21 to be reinstated or to be removed, is absolutely something
22 that has to be resolved so we get down to the city business.
23 What I suggest to this City Council, even though we don't
24 have the members, that the attorneys get together, present

1 all of their arguments in a deposition form, written form,
2 and that we review that so at the next Council meeting or
3 the next hearing that we can make a decision. This meet-
4 ing every single night, we have a lot of problems ourselves,
5 there is a lot of family problems, there's problems at
6 home, there's problems with the city, business problems.
7 I have been down here now seven times. I was here at 4:00
8 this afternoon, so I suggest this hearing has reached a
9 point that it is time to make a decision. I don't think it
10 should be postponed or prolonged or continued any longer
11 than it has been, and I suggest that the attorneys get
12 together and put it in front of us in written form and that
13 we make a decision from there.

14 MR. PEARLMAN. Mr. President, it is un-
15 fortunate we don't have a quorum here. I was here, as the
16 President was, at 4:00 today, there was only a handful of
17 us here. The people are getting discouraged, but I don't
18 think the burden or blame belongs on the Mayor, for those
19 who might possibly might not be here or who have been here,
20 because a number of them are upset about an attempt, the
21 third attempt to change the rules -- Councilman Johnson
22 wasn't here last night for good reason, he had an emergency
23 at his place -- but I was shocked when a motion was made by
24 one of the Councilmen, who I don't even see here tonight, to

1 make a decision before all the evidence was presented, and
2 apparently he had the votes and it almost passed except we
3 had to clear the building, and there is a lot wrong here
4 and I think there is a lot to Mr. Johnson's suggestion that
5 the attorneys and some of the leaders get together and make
6 a finding, modus operandi here, I don't like to come to meet-
7 ings where the rules are going to be changed, three, four,
8 five times and that's what's making a farce out of the meet-
9 ing and that's where we are spending most of our time, not
10 on evidence. We have been spending most of our time on
11 procedure, and I think when the written set of rules of pro-
12 cedure are agreed upon by the leadership and the attorneys,
13 it ought to be ratified by the group and stuck to, and I
14 think we should get this hearing over with. Thank you.

15 MR. CHAIKA. Mr. President.

16 MR. EASTON. Mr. President, we have been
17 through this argument about changing the rules a number of
18 times on this floor. It has been my feeling from the start
19 that what we ought to aim for is for each side to present
20 their case in a reasonably quick manner, say what they have
21 to say, make a decision and either remove Mr. Cesaro or re-
22 turn him to his job.

23 Obviously, and I have said it before, the Mayor and
24 his agents have taken every trick imaginable to try to prolong

1 this hearing so that a decision could not be made. I think
2 that was the explanation for Councilman O'Connor's motion
3 last night, which was obviously due to impatience with the
4 legal wrangling and the political games that the Mayor was
5 playing, and last night I wasn't ready to agree with him be-
6 cause I felt we should hear everything, and I thought maybe
7 we would see a sincere effort on the part of the city to
8 present their case to the full Council. I have seen two
9 things in the last two days that I can't believe. I can't
10 believe, for example, that a supposed bomb threat inter-
11 rupting this Council meeting came in last night to the
12 Mayor's private line, at which point the Mayor instructed
13 a police officer to come up here and remove all the members
14 from this building and clear this Council Chamber, and then
15 the Mayor didn't even get out of the building. He sat in
16 the building himself. That's a bomb threat? That's a bomb
17 threat? Come on!

18 (APPLAUSE)

19 In addition to that, I stood over there, not a half-
20 hour ago, next to that rail and saw Frank Tibaldi, come
21 over to Councilman Farmer and tell him that the Mayor wanted
22 to see him downstairs. I suggest that Councilman Farmer
23 is aware we are having a Council meeting here tonight and
24 if he was just going downstairs and I saw him going down

1 the back stairs to the Mayor's office, that I am sure he has
2 concluded his business and is ready to come up here and
3 proceed with the business at hand, and I saw several other
4 members of the Council that were here tonight walk out.
5 Let's be fair about this thing. Let's stand up here, say
6 what we have got to say, and get it over with, but this
7 kind of trickery is unbelievable to me, and my suggestion
8 is, that we adjourn for a few minutes, or recess for a few
9 minutes, ask the City Sergeant to search this building,
10 starting with the Mayor's office, and find out how many of
11 the Mayor's Council friends are down there in his office
12 knowing full well that we have a meeting up here that we
13 are waiting for them to attend.

14 (APPLAUSE)

15 THE PRESIDENT. I would like to say
16 something. With due respect to Councilman Easton, I blame
17 the majority Democratic Council for not being here. We are
18 the majority and we should be here to make a quorum and we
19 are not here, so let's not blame anybody but ourselves for
20 not having a quorum.

21 MR. PEARLMAN. I think the business is,
22 when are we going to meet again, and are we going to be
23 able to -- is Mr. Piccirilli going to be cut off from
24 presenting his witnesses.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE PRESIDENT. I have no idea what the rule changes are going to be, but we will have --

MR. ROTONDI. There is a motion on the floor.

THE PRESIDENT. We can't do any business right now, we don't have a quorum and this hearing will continue 8:00 Monday night, and all Councilmen will be subpoenaed.

(APPLAUSE)

MR. CHAIKA. Council President, you made an announcement Monday that the next meeting will be Wednesday at 4:00. It's on the record.

THE PRESIDENT. I said Monday, 8:00, and all Councilmen will be subpoenaed to be here Monday at 8:00.

MR. EASTON. Point of order, Mr. President.

THE PRESIDENT. It's all over.

(HEARING RECESSED AT 9:25 TO MONDAY, DECEMBER 15, 8:00 P.M.)

* * * * *

C E R T I F I C A T E

I, Elaine T. Grenier, hereby certify that the foregoing transcript is a true and accurate copy of my notes taken at the time of the above-entitled hearing.

Elaine T. Grenier, Notary Public
ELAINE T. GRENIER, NOTARY PUBLIC RPR

PENGAD CO., BAYONNE, N.J. 07002 - FORM IL 248