

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE CITY COUNCIL

IN CITY COUNCIL
FEB 5 1981

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PROCEEDINGS AT HEARING *

IN RE: SUSPENSION OF *

CLEMENT J. CESARO *

Third Day
December 8, 1980
4:00 P.M. and 7:30 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
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WITNESS

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1 THE PRESIDENT. Will the Clerk call the
2 roll.

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

THE PRESIDENT. Fifteen present, eleven
absent; we have a quorum.

MR. GLAVIN. Before we proceed, I was
unable to be here Tuesday night. I just want to make a very
brief statement for the record. At Tuesday night's meeting
after a previous meeting the night before of the entire City
Council, this Council in its wisdom decided to change a
number of the rules under which we are presently going to

1 conduct this hearing this evening. I was very upset when
2 I read about this in the paper the next morning and when I
3 saw it on TV that evening, because I felt that in all
4 good fairness, our leadership had spent over an hour and a
5 half with attorneys for both parties in this matter trying
6 to come up with a reasonable set of rules to conduct this
7 as fair as possible, and the major thrust of our discussions
8 was that we should proceed under the Rules of Evidence.
9 I'm not an attorney, I'm not about to go into explanation
10 what the Rules of Evidence are, but the main thrust of what
11 I was led to believe by the two attorneys involved is that
12 for the Rules of Evidence to be properly executed, there
13 must be proper time allotted for cross-examination of wit-
14 nesses.

15 The reason that I'm stating this, Mr. Chairman, Mr.
16 President, is that I'm very concerned as to the rule changes,
17 what effect they're going to have on this hearing. I think
18 every Council person, I speak for everyone when I state that
19 when we began this hearing, we strove our utmost to be as
20 fair as possible to both parties in this matter, and I am
21 very very concerned that this rule change in the middle of
22 the ballgame could have some consequences later on if ap-
23 peals are taken, etcetera, etcetera, and I am not going to
24 turn this hearing into a ping pong match, by offering a

1 change back to the original rules, which I had contemplated,
2 but I felt that this would just put a cloud over the entire
3 hearing, would pit Council people against one another, which
4 is not my attempt, and I feel if I had not stood up and
5 spoken my piece, I would not be at peace with myself. I
6 don't think it was fair what was done after you agree to
7 one set of rules to change it in midstream.

8 So I did want that to be part of the record, this is
9 the way I feel, I'm not going to, as I said previously, to
10 turn this into a ping pong match by proposing to change the
11 rules now, but I feel the Council people involved did not
12 do themselves a proper service by doing that. I'm being
13 very honest when I say this, all politics and nonsense
14 aside. I think this is a very very serious matter we are
15 presently involved with; we are talking about the future of
16 one man's career and due process, and I'm very very concerned
17 about that. I just wanted to make that statement. Thank
18 you.

19 THE PRESIDENT. We didn't finish with
20 the last witness last Tuesday, right. Mr. Cesaro.

21 MR. PICCIRILLI. I'd ask the witness to
22 return to the stand, please.

23 (MR. MANSOLILLO IS RECORDED AS
24 PRESENT)

1 MR. CHAIKA. Mr. President, when we
2 last closed, I believe it was more than five minutes that
3 Mr. Piccirilli had questioned Mr. Cesaro, and that questions
4 from the Councilmen were going to be next when we resumed,
5 and I believe, if my recollection is correct, was that Mr.
6 Pearlman said he wanted to ask the first question.

7 THE PRESIDENT. I think he had only four
8 minutes, he has one minute to go. I checked the time. He
9 has one minute to go.

10 (MR. ALMAGNO RECORDED AS PRESENT)

11 CLEMENT J. CESARO (RECALLED)

12 EXAMINATION BY MR. PICCIRILLI (Cont'd)

13 Q. Mr. Cesaro, on the evening of November 18, 1980, did you re-
14 ceive a message from Mr. Bowie to call the Mayor?

15 THE WITNESS. Would you mind repeating
16 that?

17 MR. PICCIRILLI. Mr. President, if he's
18 going to repeat the questions, I hope I don't get charged
19 for the time to repeat the question.

20 MR. CIRELLI. He asked for every ques-
21 tion to be repeated.

22 MR. PICCIRILLI. That's correct. Of the
23 four minutes I questioned, two and a half minutes were Mr.
24 Cesaro not understanding what I said, so I hope you only

1 count the time he answers my questions.

2 THE PRESIDENT. I'll be a very fair
3 judge.

4 MR. PICCIRILLI. I'll ask the stenograph-
5 er to do it, Mr. Cesaro.

6 THE WITNESS. Mr. Piccirilli, my life is
7 at stake here. I don't consider this very funny.

8 MR. PICCIRILLI. Mr. Cesaro, I don't
9 consider it funny either. I'm asking the stenographer to
10 read it back. That's what she gets paid to do.

11 THE WITNESS. If you don't mind, I want
12 to make absolutely sure I understand the question, and if
13 you don't like that, I'm very sorry, I want to be accurate.

14 MR. PICCIRILLI. Mr. Cesaro, that's why
15 we have a stenographer here to be sure you understand, and
16 answer the question under oath.

17 (QUESTION READ)

18 A. The answer is no.

19 Q. Mr. Cesaro, the evening of November 18, 1980, did you re-
20 ceive a message from Mr. Melvin to call Mr. Cianci?

21 A. The answer is no.

22 Q. Did you receive a message from a Mr. McLaughlin to call
23 Mr. Cianci?

24 A. The answer is no.

1 Q. On November 14, 1980, did you know how much salt was in
2 the Troy Street Garage?

3 THE WITNESS. What was the date that you
4 just mentioned please?

5 (QUESTION READ)

6 A. The answer is no.

7 Q. Why didn't you?

8 A. Because we had not assessed the volume. My deputy
9 director who was assigned to perform that duty did not
10 come back with that information.

11 Q. And you assigned him that duty on the 14th, or the 17th of
12 November? What day was it that you assigned Mr. Lembo the
13 task of determining how much salt and sand was at the Troy
14 Street Garage?

15 A. We received a request from Mr. Mancone on the 13th.
16 It's in the letters presented to the Council here, and it
17 was received in my office at about approximately 3:15 that
18 afternoon. That was given over to Mr. Lembo the follow-
19 ing -- either that evening or the following morning to get
20 the information requested in that letter.

21 Q. Why did you give it to Mr. Lembo?

22 A. He's my deputy director, isn't he?

23 Q. Had you ever asked him to take that before?

24 A. I have the privilege to assign the responsibility to

1 anybody I feel is capable of getting me the information.

2 MR. PICCIRILLI. May I ask that the ques-
3 tion be read back and answered, please.

4 MR. CHAIKA. I object, I believe it has
5 been answered.

6 MR. PICCIRILLI. I'd ask the question be
7 read back.

8 THE PRESIDENT. Overruled.

9 (QUESTION READ)

10 MR. CHAIKA. Is there a question pending?

11 MR. PICCIRILLI. I will ask her to read
12 it back again.

13 THE PRESIDENT. This is your last ques-
14 tion.

15 MR. PICCIRILLI. Well, if it is, I'll
16 withdraw it and ask one more.

17 Q. Did you ever have any conversations with Mr. John Melvin
18 in a restaurant on the North End concerning testimony be-
19 fore this, or hearings in the Federal Court?

20 MR. CHAIKA. May I have a time fixed?

21 A. I don't know what you are making reference to, I'm
22 sorry.

23 Q. I am asking you whether you have ever had a meeting with
24 Mr. John Melvin in a restaurant in the North End where you

1 asked him to change his testimony in this, or a hearing
2 in Federal Court?

3 A. I asked Mr. Melvin to change his testimony? Absolute
4 absolute lie.

5 MR. PICCIRILLI. The answer is no, thank
6 you.

7 THE PRESIDENT. That's it. Councilmen,
8 your privilege to ask any questions you want to.

9 MR. MANSOLILLO. Mr. President, if I may
10 direct some questions to Mr. Cesaro?

11 THE PRESIDENT. Yes.

12 BY MR. MANSOLILLO:

13 Q. On Monday, November 18, when was your earliest appraisal?
14 of the impending snowstorm? When did you come to know that
15 the snowstorm was on its way?

16 A. I want to set the record clear. You just said Monday,
17 November 18 -- November the 18th was a Tuesday.

18 Q. I'm sorry, November 17, excuse me.

19 A. When was I apprised of what?

20 Q. When did you come to know that there was an impending snow-
21 storm?

22 A. When I heard it on the radio.

23 Q. Approximately at what time was that, Mr. Cesaro?

24 A. Approximately about 9:30.

(MR. PEARLMAN IS RECORDED AS
PRESENT)

Q. A.M. or P.M.?

A. That evening.

Q. In the evening?

A. Right.

Q. You had no indication prior to that time that there may be
snow falling?

THE WITNESS. From who?

MR. MANSOLILLO. From any source, public
broadcasts --

A. I think I just answered your question prior to that, no.
I heard it on the radio.

Q. You heard it on the radio at 9:30 in the evening?

A. Yes.

Q. And at that time did you take any steps, as Director of
Public Works, to insure that the proper preparation would
commence; that is, calling personnel, or preparing equip-
ment, did you do anything at 9:30 in the evening to prepare
for the storm?

A. Mr. Mansolillo, when I make my presentation a little
later, I'm going to give you and the Council members, an
entire breakdown of what the procedure is associated with the
snow removal effort. At that point, it will definitely
answer your question in its entirety.

1 Q. Well, is there some reason why you shouldn't answer it
2 now, Clement?

3 A. Yes, I think it is going to be repetitious and we are
4 consuming the people's time.

5 MR. MANSOLILLO. You may think it is
6 repetitious and you may think it is consuming the people's
7 time, but I happen to represent people in this assembly,
8 and the people that I represent want to have you answer
9 the question.

10 THE WITNESS. All right. Repeat the
11 question. I'm sorry. I got off on another chain of thought,
12 if you don't mind.

13 MR. MANSOLILLO. I think that you would
14 be better off to answer the question rather than to debate
15 me, or find a way not to answer the question, because what
16 I will do Clement, I will stand here and question you and
17 question you and question you until you are exhausted from
18 questioning, so answer the question and be happy. Would
19 you read the question?

20 MR. CHAIKA. I object, I think that the
21 Councilman owes an apology to this witness and to the body.
22 He has told on the record that he intends to harass this
23 witness probably for his own personal motivation and to
24 grandstand and to delay these proceedings.

1 MR. MANSOLILLO. I may have said what I
2 intend to do, but, Mr. Cesaro began by actions --

3 THE PRESIDENT. Excuse me, we're wasting
4 a lot of time. Let's get on with the question.

5 MR. MANSOLILLO. Actions speak as loud
6 as words.

7 THE PRESIDENT. Mr. Cesaro will answer
8 any question you ask, right, Clem?

9 MR. MANSOLILLO. Would you go back to
10 my original question?

11 MR. CHAIKA. Just so there's no mistake,
12 would the stenographer read it back for Mr. Cesaro?

13 (QUESTION NO. 16, PAGE 3-10
14 READ BACK)

15 A. In reply to that, the answer to that is no, and pure
16 and simple is the system devised for snow removal, I might
17 as well get on that subject now, okay, pure and simple.
18 The system devised for snow removal is whether the Director
19 of Public Works, the Mayor, or any other person not asso-
20 ciated with snow removal, is not present for any unknown
21 reason, the snow removal is a very crucial service, it is
22 an emergency criteria. The system is set up that the first
23 one that monitors or alerts the snow removal operations is
24 the dispatcher who is on duty. There is a dispatcher as-
signed to that duty around the clock. He is the triggering

1 mechanism that informs the necessary personnel associated
2 with the snow removal effort to place them into action.

3 Q. Am I interpreting it correctly, then, that your absence
4 from that process, that you had virtually nothing to do,
5 nor would you have anything to do with that?

6 A. I am saying that the normal procedure is he is the
7 triggering mechanism to institute any necessary snow re-
8 moval action. I become a participant later on in the
9 procedure which I am going to outline to the Council.

10 Q. Well, at 9:30 when you came to know there was a storm com-
11 ing, you simply expected the trigger to happen without
12 even checking on it?

13 MR. CHAIKA. Objection. The witness
14 testified he heard that there may be snow, not necessarily
15 that there was a storm coming, and what a storm is means a
16 lot of different things to a lot of different people. So I
17 think if the questioner would please rephrase his question
18 in a more normal and reasonable manner, I think we can get
19 on with it.

20 THE PRESIDENT. Sustained. Rephrase
21 your question.

22 MR. MANSOLILLO. Rephrase my question.

23 Q. Any time after you learned at approximately 9:30, and before
24 midnight, that there was a report of snow that you heard on

1 the radio, or some other communication, did you make con-
2 tact with personnel that you say were responsible to check
3 on them?

4 A. Mr. Mansolillo, during the course of my services as
5 the Director of Public Works, we have been faced with many
6 a storm threat, snow, predictions sometimes, to the degree
7 where they have forecasted eight inches of snow and in
8 reality, we wound up with maybe just a dusting. I'm just
9 trying to paint a cross-section for you. No, we do not hit
10 the panic button immediately; we rely on the dispatcher to
11 follow it as closely as possible and notify the people who
12 are in charge of the snow removal effort, to watch it and
13 then at a future point, which I will explain later in my
14 presentation, the Director is informed of the crisis and he
15 then makes his appearance on the scene.

16 Q. So the Director waits for crisis, is that what you are say-
17 ing, Mr. Cesaro?

18 A. Mr. Mansolillo, you interpret it anyway. There is a
19 system set up, it's been in service for 13 years, we will
20 hear testimony to the effect that this is the system that's
21 been going on for 13 years and I, as the Director, have ac-
22 cepted that system as being a functional system and I feel
23 that I should not alter it. And if you as a Councilman
24 feel it should be changed, that's your prerogative, but the

1 system is supposed to be somewhat "fuelproof."

2 Q. Can I hear that back again?

3 A. Fuelproof.

4 MR. PICCIRILLI. I think he means fool-
5 proof.

6 A. ...Foolproof, whatever.

7 Q. You seem to be wanting to make a presentation and not answer
8 questions. All I am concerned about is your activity soon
9 after you learned that there may be a storm. It's as I
10 said the other day, if a bomb is being dropped, you don't
11 wait for it to explode, you go to a shelter. You insist
12 on waiting to make a full presentation. All I want to know
13 is, did you do -- you keep on not answering that question --
14 did you check with any personnel on or about 9:30 on the
15 late evening of November 17 to insure that the process which
16 has been practiced in that department was being adhered to?

17 A. Once again, the practice does not call for me to check
18 on them. They have the responsibility and serving in that
19 capacity and they fulfilled it in the past 13 years and I
20 had no reason to believe that it was any different with
21 this mild storm, mild storm, that was being forecasted, be-
22 cause if you heard the forecast, it clearly stated that
23 there was snow coming, a dusting of snow coming, possibly
24 turning to rain, and if you were aware of the temperatures

1 at the particular time, you wouldn't have been too con-
2 cerned about this storm.

3 Q. Well, you said a little earlier that you don't know what
4 it will end up being, and you're correct, but would you have
5 made different moves as Director had you heard that the
6 storm was going to be greater and yet turned out not to be
7 so?

8 A. I think I repeated to you there's been numerous oc-
9 casions where they predicted eight inches and twelve inches
10 of snow and it wound up as a dusting, Mr. Mansolillo; is
11 that point clear?

12 Q. Yes, but I'm sure there must have been numerous occasions
13 where they predicted four inches and it ended up being a
14 foot. So the very prediction does not, regardless of the
15 amount, does it not give you some reason to carefully moni-
16 tor the removal effort?

17 A. Mr. Mansolillo, I repeat, once again, there is a sys-
18 tem for snow removal, it has its contingency plans and it
19 was instituted long before I became the Director of Public
20 Works, it has been functional, and it has protected the
21 taxpayers of the City of Providence with the exception of a
22 major major snowstorm.

23 Q. Okay, if you don't want to go down the street of question
24 and argument --

1 MR. CHAIKA. I object to the Council-
2 man's characterization at this time; if he wants to make
3 speeches, let him say he's making speeches and not use the
4 guise of alleged cross-examination for the purpose of mak-
5 ing his speech.

6 THE PRESIDENT. Continue with the ques-
7 tion.

8 Q. When did you arrive at the Public Works Garage or at the
9 Public Works Department after you left your home. I guess
10 you were there earlier on November 17 in the afternoon,
11 you left at approximately quarter of five, correct, that's
12 what you said in your earlier testimony?

13 A. On the 17th I left my office at approximately 4:45.
14 At that particular time I was in conference with my Deputy
15 Director, my secretary, Mr. Slim DeBello, and for the rec-
16 ord once again that we were discussing with my Deputy Di-
17 rector --

18 (INTERRUPTION)

19 A. ...I will try it again. At 4:45, we were in my office
20 trying to comply with the Mayor's request for the report on
21 the sand and salt, which was one of the items that he re-
22 quested me in his office and Mr. Lembo had not been able to
23 give me that information, and at that point in time, we
24 were discussing that we had to have that information and

1 hopefully for him for the following morning, being that he
2 did not have the time to get that information properly pre-
3 pared and evaluated for the Mayor.

4 Q. So you left the Public Works Department on or about 4:45
5 P.M. on the afternoon of the 17th of November?

6 A. That is right.

7 Q. Did you return later that day on November 17 to the Public
8 Works Department, or was it early November 18, early morn-
9 ing November 18?

10 A. Yes. Between 12:30, I think, just roughly, 12:30/1:00,
11 I made my appearance at the roller shed, located on Ernest
12 Street in the Department of Public Works.

13 Q. Did you have a reason for visiting the roller shed at that
14 time?

15 A. Yes, I felt I had a reason to go there at that particu-
16 lar time, because I heard the report that there would be no
17 sizable accumulation, and at that point in time, I felt a
18 responsibility that, as the Director, I should just drive
19 by and see what progress was being made down at the Depart-
20 ment of Public Works.

21 Q. And what did you find in terms of the progress that was
22 being made?

23 A. I found myself in an emergency setup.

24 Q. What does that mean, Mr. Cesaro, you found yourself in an

1 emergency setup?

2 A. I did not have the personnel and I knew I did not
3 have the equipment that was supposed to be properly pre-
4 pared for the season because of the layoffs.

5 Q. Were there any people -- how many, roughly, people did you
6 find present there who were in the employ of the city at
7 the time of your visit on or about the 12th or after?

8 (MR. SNOWDEN IS RECORDED AS
9 PRESENT)

10 A. Mr. Mansolillo, let me tell you something, I was sur-
11 rounded by people. I don't know who they were; I never
12 assessed who they were. There were a lot of gentlemen
13 that were laid off, that were down there present, who were
14 deeply concerned about their jobs being performed by other
15 people, and there were quite a few people there present
16 when I arrived, and there was complete chaos.

17 Q. There was complete chaos?

18 A. That's right.

19 Q. Explain, what do you mean chaos? Did you attempt to direct
20 the people that were there to do certain functions and they
21 decided to contraband you or what? When you say complete
22 chaos, what do you mean?

23 A. Very disappointed people that had been laid off, their
24 livelihood depended upon it, they were watching every re-
action, every action by the men that were there, available

1 to perform the work, they were deeply concerned.

2 Q. So you perceived that there was complete chaos when you
3 are saying that there were a number of people there who
4 were deeply concerned. Now, what makes you think -- I
5 don't understand what you mean by chaos. Was there fight-
6 ing, was there screaming, yelling?

7 A. There was many arguments going on, and I did not be-
8 come any participant; there were many things being dis-
9 cussed which I was not a participant of, and there was com-
10 plete confusion when I arrived at that Department of Public
11 Works roller shed.

12 Q. How did you perceive there was complete confusion, did you
13 speak to anyone who was there?

14 A. Look Mr. Mansolillo, you are a grown man, you know
15 what confusion is, I don't have to explain to you what con-
16 fusion is. There was complete confusion and chaos. I am
17 sure you are familiar with the two words and I'm sure you
18 are capable of understanding what confusion and chaos is,
19 and that's what I have applied to the status of that roller
20 shed when I arrived there at that particular time in the
21 morning.

22 MR. MANSOLILLO. My attorney doesn't ob-
23 ject, we want to give Mr. Cesaro the opportunity to say
24 everything he'd like to say.

1 MR. PICCIRILLI. May I have that question
2 and answer read back.

3 (LAST QUESTION AND ANSWER READ)

4 Q. Well, did you have any way -- or did you know how many
5 mechanics --

6 MR. SALVATORE. Point of order, please.

7 Q. ...were on hand at that time?

8 THE PRESIDENT. Yes.

9 MR. SALVATORE. As Council members, we
10 are to ask question of Mr. Cesaro, is that correct?

11 THE PRESIDENT. Yes.

12 MR. SALVATORE. Is it okay for us to get
13 the questions from someone else, such as an attorney?

14 THE PRESIDENT. It doesn't make any dif-
15 ference who you get the questions from.

16 MR. SALVATORE. It seems to me that the
17 attorneys happen to be giving all the questions to Mr. Man-
18 solillo.

19 MR. PICCIRILLI. That's not true.

20 MR. SALVATORE. They are writing them down
21 for him, whispering to him.

22 MR. PICCIRILLI. That's not true.

23 MR. MANSOLILLO. For the record, Mr. Ro-
24 tella just gave me three questions, it is my decision whether

1 I should ask them, I have been asking questions without any
2 prompting right along.

3 MR. SALVATORE. Who is your attorney,
4 please?

5 MR. MANSOLILLO. Nobody is my attorney.

6 MR. MOISE. He said "my attorney".

7 MR. MANSOLILLO. Yes, I said my attorney.

8 MR. SALVATORE. Could we have that read
9 back on the record, as to whether or not Councilman said
10 "my attorney."

11 MR. MANSOLILLO. I certainly did say my
12 attorney and I said I don't have my attorney here to -- I
13 didn't call on Mr. Piccirilli. When Mr. Chaika made his
14 remarks --

15 MR. SALVATORE. Do you feel you are cap-
16 able to make your own comments and questions?

17 MR. MANSOLILLO. I certainly feel as
18 though I am capable and I also feel capable to accept recom-
19 mendations or suggestions.

20 THE PRESIDENT. The Councilmen can ask
21 as many questions as they want, you can do the same thing.
22 I don't care who gives it to them. It is our privilege to
23 ask all the questions we want regardless who gives them to
24 them. If somebody wants to give him a question to ask, it

1 is his prerogative whether to ask it or not, and you can do
2 the same thing and you can do the same thing. So let's
3 continue. We are here to find out all the facts, regard-
4 less of who gives the questions.

5 MR. MANSOLILLO. I asked a question be-
6 fore this plan. Could you repeat the question?

7 MS. BRASSIL. Before we go on, Mr. Presi-
8 dent, Mr. Cesaro is sitting here as an adverse witness, is
9 this the proper time for the Council to question him. I
10 thought what he should do is lay out his whole story, let
11 Mr. Piccirilli get on with all his witnesses; he's sitting
12 there as an adverse witness at this point.

13 THE PRESIDENT. That was the change of
14 the rules.

15 MR. PICCIRILLI. Mr. President, the rules
16 as I understood them, were rules that I'm bound by, are
17 that once a witness is questioned, the Council can ask ques-
18 tions, whether he is an adverse witness or not, he's still
19 a witness.

20 MS. BRASSIL. I thought it would make
21 more sense for him to lay out his own testimony, and then
22 recross and examine.

23 MR. MANSOLILLO. If it is the ruling of
24 the Chair that Mr. Cesaro is going to be given the oppor-

1 tunity to outline his story or his version of what happened,
2 regarding these charges, then I would forego questioning.

3 At this time, however, it has not been clear to me
4 that Mr. Cesaro is going to be answering questions even
5 from his own attorney. I haven't heard that being estab-
6 lished here. You know these rules are here today and gone
7 tomorrow.

8 THE PRESIDENT. If I recall --

9 MR. MANSOLILLO. Mayor Cianci was here
10 and testified and I don't understand exactly -- I don't
11 understand the rules quite frankly because they have been
12 changed and I am in apprehension they may be changed again,
13 knowing this crowd.

14 MS. BRASSIL. I would like to see his
15 whole testimony take place and then question him.

16 THE PRESIDENT. If I recall last week or
17 Tuesday the rules were changed, the Mayor who was a witness
18 and the Councilmen, several Councilmen got up and asked
19 questions and he answered them, several of them.

20 MS. BRASSIL. But that was after his
21 full testimony.

22 THE PRESIDENT. He wasn't completely
23 finished.

24 MR. ADDISON. Yes, he was.

1 MS. BRASSIL. It would make more sense
2 for him to lay out his own plan, what he's going to testify
3 to.

4 THE PRESIDENT. I think we changed the
5 rules. We'll stick by the rules, they can ask any ques-
6 tions they want.

7 MR. CIRELLI. Maybe they'd like to change
8 the rules again. It is our prerogative.

9 (BRIEF RECESS)

10 THE PRESIDENT. Clerk, call the roll.

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

1 THE PRESIDENT. Nineteen present, seven
2 absent, we have a quorum.

3 BY MR. MANSOLILLO:

4 Q. Mr. President, Mr. Cesaro, if I may direct a question to
5 you to set the record straight, did you meet with Mr. Mel-
6 vin on Saturday, November 22, in a restaurant in the City
7 of Providence?

8 A. At that particular time that you are specifying, I had
9 a coffee with Mr. Melvin and Mr. Anthony DelSanto and Mr.
10 Silvio DeBello, at a donut shop, yes.

11 Q. Where was that donut shop, Mr. Cesaro?

12 A. What was that, please?

13 Q. Where was it?

14 A. That was on Charles Street.

15 Q. Mr. Donut, is that the name of the restaurant?

16 A. Mr. Donut; I believe it's at the corner of Branch
17 Avenue and Hawkins Street.

18 Q. Did you have a reason to meet on Saturday, November 22,
19 with Mr. Melvin and Mr. DelSanto, and Mr. DeBello, at the
20 donut shop?

21 A. Yes.

22 Q. And do you mind sharing with us what that reason might have
23 been?

24 A. Yes, pure and simple, I wanted a breakdown on the

1 personnel that were supposed to be available that evening
2 of the storm, by name and the reason why they were not
3 available.

4 Q. And why would you have to have that meeting with Mr. DeBello --
5 well, Mr. DeBello?

6 A. He was present, he's always with me.

7 Q. As a friend?

8 A. As a close friend, yes.

9 Q. What about Mr. Melvin, why was he selected for that?

10 A. You will have to ask Mr. DelSanto, Mr. DelSanto took
11 Mr. Melvin along with him.

12 Q. So you were to meet with Mr. DeBello, and he brought along
13 Mr. Melvin?

14 A. That's exactly right.

15 Q. Why did you call on Mr. DeBello to meet with you at that
16 time?

17 A. We were going to discuss, once again, the names of the
18 people that were supposed to be available the night of the
19 storm and the reasons why they were not present.

20 Q. So you had requested this meeting?

21 A. I asked Mr. DelSanto to discuss it with me, and he
22 made himself available to meet me and discuss it over a
23 cup of coffee at that particular location, yes.

24 Q. What is Mr. DelSanto's position in the Department of Public

1 Works?

2 A. He was the night foreman the night of the storm.

3 Q. He was the night foreman and therefore in charge of per-
4 sonnel?

5 A. That's right.

6 Q. For that evening?

7 A. He was in charge of his personnel. The men under his
8 jurisdiction.

9 Q. Okay, would any of those men have to do with snow removal,
10 is that why?

11 A. Absolutely.

12 Q. So that's why you decided to talk to Mr. DelSanto?

13 A. Absolutely.

14 Q. So as far as you know, Mr. Melvin just came along with Mr.
15 DelSanto?

16 A. As a spectator.

17 Q. Just as Mr. DeBello came along with you as a friend, or
18 whatever?

19 A. Exactly.

20 Q. What information did you glean from that meeting. What did
21 you find out in terms of personnel there?

22 A. I have that information and will make that information
23 available in my presentation that I will be giving shortly.

24 Q. Well, I'd like to hear it at that time but I would like to

1 hear it right now.

2 A. Okay. Okay, the following information was given to
3 me at that specific time in the donut shop that is under
4 discussion and this information was given to me by Anthony
5 DelSanto who was the foreman on duty that evening of the
6 storm. Haig DiMaio: he's, for the record, considered one
7 of the heavy equipment operators. He was called, no answer.
8 Julius Johnson, also a heavy equipment operator. He had
9 no phone. They made an attempt to reach him, but he was
10 unreachable. Marco Guarino was on vacation. Steve Petran-
11 gelo, Joe Petrangelo, Don Harrington, Grady Green, Dennis
12 Ferris. All laid off. The night shift, Ernest Lima wasn't
13 in because he suffered a massive heart attack. George De-
14 Pasquale, who was the heavy equipment operator on the night
15 shift, called in sick. That was the summation and the
16 presentation given to me by Mr. Anthony DelSanto.

17 Q. So Mr. DelSanto simply presented that to you, and that was
18 the end of your conversation?

19 A. I would say we might have discussed other things that
20 I don't recollect, but as far as your inuendos that I made
21 any deals or tried to influence Mr. Melvin, is absolute
22 lie -- those inuendos keep to yourself.

23 Q. Maybe the record should be re-read. I can recall making
24 no inuendos. Is there something that deserves to be

1 noticed in that regard, Mr. Cesaro?

2 THE WITNESS. Will the record be read
3 back about the question referred to me, whether or not I
4 influenced Mr. Melvin in any way. I don't recall the
5 specifics. Would you read that to me please, when I called
6 him a liar.

7 MR. MANSOLILLO. I don't remember you
8 calling me a liar.

9 MR. CHAIKA. I think it was when Mr.
10 Piccirilli asked the questions.

11 THE PRESIDENT. Counsel Piccirilli asked
12 that question.

13 MR. PICCIRILLI. I think the record will
14 show, I asked the question.

15 THE PRESIDENT. Would you like to hear
16 it back?

17 MR. PICCIRILLI. I'd appreciate the
18 stenographer reading back my question.

19 (PAGE 3-8 LINES 17 THROUGH 24,
20 PAGE 3-9 LINES 1 THROUGH 4
21 READ BACK)

22 THE PRESIDENT. Councilman Mansolillo.

23 Q. Am I correct in assuming that you met with Mr. DelSanto
24 because you were unable to get documentation as to who was
present that evening?

1 A. Mr. Mansolillo, when I arrived that evening, I pre-
2 sented the question, the logical question, quite a few
3 questions, which I'm going to give you in my testimony --

4 Q. Which evening are you talking about?

5 A. The night of the storm when I appeared there between
6 12:30 and 1:00 on November 18, I will present the informa-
7 tion. I will not avoid it, but I want you to know that
8 when I approached the roller shed, my first duty was to see
9 who was in charge, and at the time, Mr. Ernest Dambrosco,
10 who was in charge of the snow coordination operation, was
11 not present. Second, the wagon master, Mr. D'Amico was not
12 present. The third in command was Mr. Michael Acetta, and
13 I discussed with Mr. Michael Acetta, and Mr. Guy Zanni, who
14 was in charge of the mechanics of the roller shed, and also
15 Mr. Anthony DelSanto, the status of that particular snow
16 operation at that moment when I arrived at the roller shed.

17 Q. So back to my question though, which I think was, did you
18 meet with Mr. DelSanto on the afternoon of November 22, or
19 sometime during the day, November 22, at that restaurant,
20 Mr. Donut, to ascertain information as to what personnel were
21 available the evening of the storm, because you were unable
22 to gain that information from records of the City of Provi-
23 dence?

24 A. Yes, that's right. At that particular moment, I was

1 not worried or concerned about their status, their classi-
2 fications, or what their responsibilities were. I was
3 faced with one major issue, what personnel were available
4 at the roller shed to perform the snow operation duties
5 that evening. I was talking about figures, and the job
6 classifications of the men that were able to perform the
7 duties. I did not want the history and background at that
8 particular time why each individual was not there, but I
9 felt that before I came to this hearing, that I owed it
10 to the Council to give them an intelligent evaluation of
11 what transpired, a little more extensively and that's why
12 the meeting was set up with Mr. DelSanto to give me the
13 particulars that at that particular morning, when I arrived,
14 were not necessary.

15 Q. Are you aware that there is a record of the time of each
16 employee kept by the Public Works Department?

17 A. Mr. Mansolillo, I am sure I am acquainted with the
18 fact that we keep time records of all personnel that re-
19 ported for work, yes, but we did not go through that ex-
20 tensive evaluation. All I was faced with were the simple
21 facts, how many bodies were there, what their job classi-
22 fications were, and what their responsibilities or the jobs
23 that they could perform in compliance with the union re-
24 quirements.

1 Q. You were consulting with Mr. DelSanto as to what the union
2 requires, Mr. Cesaro?

3 A. Are you attempting to -- I'm saying that at that
4 particular time, I knew exactly what a heavy equipment
5 operator does, and I knew what an operator did, and I knew
6 what a laborer did, and I knew where the responsibilities
7 were relative to the equipment that had to be put into
8 service for the snow operation that morning.

9 Q. So you knew that there were time records kept of the time
10 of various Public Works employees, were you interested in
11 using that to substantiate your -- not substantiate -- or to
12 find out what was going on in the Public Works Department;
13 or are those records of no use?

14 A. Mr. Mansolillo, would those records put those trucks
15 on the road?

16 Q. I thought we weren't talking about putting trucks on the
17 road?

18 A. I'm asking you a question, would those records at
19 that particular time assist me in putting those trucks
20 into operation? Be serious about it. I am asking you a
21 sensible question.

22 Q. If you want to come out here, I'll go up there, and I'll
23 answer all the questions you'd like.

24 THE PRESIDENT. Just strike that from
the record.

1 Q. You said you were interested in getting trucks on the road,
2 now that seems to change entirely the reason for your meet-
3 ing. You had said earlier that you meant to find out who
4 and in what classification were available to work during
5 that evening or early morning of the snowstorm, is that
6 why you met?

7 A. That isn't what I said.

8 Q. Well, what did you say?

9 A. I said I wanted an evaluation to be able to present
10 to the Council should they ask me, the various people that
11 were not present that were supposed to be available and the
12 reason why they were not available that evening of the snow-
13 storm.

14 Q. Well, my question now to you is, were you aware that there
15 were these records that would recount that, that would show
16 who was not present?

17 A. The records are turned in usually by the foreman, they
18 turn in their time at the end of the week.

19 Q. So you know that these records exist?

20 A. Yes, at the end of the week they turned in their time,
21 yes.

22 Q. You know they exist though?

23 A. They exist when they assemble them at the end of the
24 week, Mr. Mansolillo.

1 Q. Well, in any case, were you interested in looking at these
2 records to find out who was present or not present?

3 A. No, because it wasn't going to change my situation at
4 all.

5 Q. Well, was Mr. DelSanto going to change your situation?

6 A. Mr. DelSanto was my foreman, do you agree? Mr. Michael
7 Acetta is my general foreman, do you agree? And as an end
8 product, I will rely on whatever they tell me as being ac-
9 curate because they are responsible for the personnel under-
10 neath them.

11 Q. So you felt a need to meet with Mr. DelSanto because of
12 personnel that were under him during that evening. You
13 said your general foreman, was he present, Mr. Acetta?

14 A. I think the record shows that, Mr. Mansolillo.

15 Q. All right, he was present?

16 A. Yes.

17 Q. At the same time that Mr. DelSanto was present?

18 A. Right.

19 Q. On the evening?

20 A. Right, the morning.

21 Q. Early morning/late evening, 17/18?

22 A. Be a little more accurate, the morning.

23 Q. On the early morning of 18 of November?

24 A. In the morning, right.

1 Q. Have you consulted with Mr. Acetta as well?

2 A. I spoke to Mr. Acetta, who is the general foreman,
3 he is the top of the echelon when Mr. Dambrosco was not
4 present -- I think I brought this point out time and time
5 again -- I was amazed not to see Mr. Ernest Dambrosco, who
6 is in charge of the snow removal effort present, and as an
7 end product I went to Mr. Michael Acetta who was second in
8 command because second in command would have been Pete
9 Cannellas, who was laid off.

10 MR. MOISE. Mr. President.

11 THE PRESIDENT. No, you will get your
12 turn.

13 MR. MOISE. I just want to --

14 THE PRESIDENT. You'll get your turn.
15 Continue.

16 Q. To get back to my line of questioning regarding Mr. Cesaro,
17 the evening of the 17/18, November, early morning, did you,
18 during that period, around midnight and after, did you at
19 any time speak to John Melvin?

20 A. I think the record said that I had no conversation
21 with him, but after that, somebody brought it to my atten-
22 tion that he was present and I --

23 Q. But you didn't speak to him?

24 MR. CHAIKA. Mr. President, I would

1 appreciate if the gentleman wants to ask a question, he
2 should at least allow the witness to finish his answer be-
3 fore he interrupts him.

4 THE PRESIDENT. Sustained.

5 MR. MANSOLILLO. Finish your answer.

6 A. ...The record will show that the question was put to
7 me whether I had a conversation and was aware if Mr. Melvin
8 was present. At that time with all the confusion that was
9 going on in the garage, I honestly believe that I did not
10 have any conversation with this gentleman, but it was
11 brought to my attention after, somebody corrected me and
12 said, "Dam, I didn't honestly know that that man was present,"
13 because that man made an offer to go out for the boys, and
14 go out and get some coffee for the boys and I was in con-
15 versation with Mr. Bailey at that time. My mind was com-
16 pletely enthralled in what I was saying; there was all
17 kinds of confusion in the background, it is quite logical
18 that I could have made a mistake and not realized Mr. Mel-
19 vin was present at that particular time.

20 Q. In any event you had no conversation that you can recall
21 at that time?

22 A. Not at that particular time that I recollect.

23 Q. During that period, after 12:30 or after the time you ar-
24 rived on the early morning of the 18th, were you aware that

1 the Mayor was looking for you?

2 A. You know, Mr. Mansolillo, that seems to be a very im-
3 portant question and a very important issue and I will
4 answer that, I am not going to answer that now, but it will
5 be answered in my complete reply because I want to have all
6 the facts that are surrounded by it.

7 Q. Well, Mr. Cesaro, it is apparent that you do not want to
8 answer things until you're ready to answer them and I guess
9 I'll have the opportunity to ask you questions about your
10 answers at that time, so at this time I will just say I
11 will wait to hear from you.

12 A. All right, in reply to your question, at no time did
13 anybody bring to my attention or hand me a number, tele-
14 phone number, telling me and directing me that the Mayor
15 wanted me to call him.

16 THE PRESIDENT. Are you all through,
17 Councilman?

18 MR. MANSOLILLO. At this point, yes;
19 just for the record, Mr. President, we have a witness here
20 who wants to decide when he will answer questions, and it
21 seems to me that it would be best, the more I hear, the
22 more I hear reluctance to answer questions. So when we are
23 ready to answer questions, then without having to be told
24 that I am going to do it or I am going to present this, or

1 I am going to present that, then maybe I will have a more
2 willing witness. I don't want to badger the witness. The
3 witness wants to avoid answering questions at this time.

4 MR. CHAIKA. I object to the Council-
5 man's speech. If he could put on record one question that
6 hasn't been answered, I'd be most grateful.

7 THE PRESIDENT. Sustained.

8 MR. MANSOLILLO. I'll put on record the
9 fact Mr. Cesaro prefaces half of his remarks saying, "I'm
10 going to make a presentation and I don't want to answer at
11 this time."

12 MR. CHAIKA. That's true, but every
13 single question has been answered and if Councilman Man-
14 solillo wants to ask any other question, I'd appreciate he
15 do it right now.

16 MR. MANSOLILLO. All right.

17 THE PRESIDENT. Sustained.

18 MR. MANSOLILLO. What are we doing at
19 this point? Are we changing the rules again?

20 MR. CHAIKA. It appears you are wasting
21 the Council's time. If you have any legitimate question to
22 ask, ask it.

23 THE PRESIDENT. Councilman, you still
24 have the floor.

1 MR. MANSOLILLO. It may appear to Mr.
2 Chaika that I am wasting the Council's time, but I am try-
3 ing to find out exactly what happened that evening and at any
4 other time subsequent to that evening that may have affected
5 Mr. Cesaro's testimony here today.

6 MR. CHAIKA. If he really wants to ask
7 that question, he should have asked it first and perhaps
8 Mr. Cesaro would have recounted it in a chronological order
9 so that everybody could understand it. implicitly in all its
10 ramifications, but is dilly dallying, going up and back and
11 up and back, with the obvious intention to confuse the wit-
12 ness and to confuse the whole gallery, has been an utter
13 waste of this body's time. It is now 25 minutes of six,
14 and we haven't moved to square one yet.

15 MR. MANSOLILLO. Well, in keeping with
16 what Mr. Chaika would expect of this questioner, I would
17 continue to question Mr. Cesaro of those events, and if
18 he is going to be answering questions -- I'm not clear
19 whether Mr. Chaika is going to be cross-examining or exam-
20 ining, I should say, Mr. Cesaro, at any point, because Mr.
21 Cesaro has said, or the Chair has said, Mr. Cesaro is going
22 to make a presentation and that concerns me because I do not
23 believe that just by making a presentation, we will be
24 getting at the bottom of this.

1 MR. CHAIKA. If Mr. Mansolillo listened
2 to the rules or the motion that was originally read by
3 Councilman Addison and adopted by this body, it was very
4 clear the obvious intent was that I would have an oppor-
5 tunity to ask questions to Mr. Cesaro and that would be
6 considered his presentation. That presentation would be
7 limited to one hour and after which the whole Council could
8 cross-examine Mr. Cesaro at length. That was the obvious
9 intent. This absolute wasting of an afternoon like this,
10 out of order, is absolutely beyond me. However, I guess
11 Mr. Mansolillo has his perogatives, and if he wants to
12 continue, it is up to him.

13 MR. MANSOLILLO. Well, if that is Coun-
14 cil's understanding, is that the Chair's understanding as
15 well?

16 THE PRESIDENT. The understanding is
17 that right now you can ask all the questions you want.

18 MR. MANSOLILLO. And after Mr. Chaika
19 puts questions to Mr. Cesaro, all the questions we want
20 could be asked?

21 THE PRESIDENT. That's right.

22 MR. MANSOLILLO. Well, I'll wait for
23 the examination by Mr. Chaika at this point.

24 THE PRESIDENT. Councilman Moise, you

1 have the floor.

2 MR. MOISE. Thank you, I have got one
3 question for clarification. We were talking about a coffee
4 shop, a donut shop, involving four people, Mr. Melvin, Mr.
5 DelSanto, Mr. DeBello, and Mr. Cesaro, but we got off -- I
6 don't know whether Mr. Mansolillo tried to confuse Mr.
7 Cesaro or what, and then other names were mentioned that
8 weren't present. Now, he was directing his questions at
9 the coffee shop and a lot of other names came in. Acetta
10 and five or six other names, and I don't think it is at
11 the coffee shop. I want to clarify because you mentioned
12 a lot of names.

13 THE PRESIDENT. They were two different
14 questions. One was the coffee shop, one was something else.

15 MR. MOISE. Where was the other location,
16 I want that clarified.

17 THE PRESIDENT. The other location where
18 Mike Acetta --

19 VOICE. The roller shed.

20 THE WITNESS. It was the roller shed.

21 BY MR. DILLON:

22 Q. Just one question. When was the meeting at the coffee
23 shop?

24 A. It was on a Saturday morning, Councilman.

1 THE PRESIDENT. November 22, Saturday
2 morning, November 22.

3 Q. It was after you were suspended?

4 A. Oh yes.

5 THE PRESIDENT. After the storm.

6 A. ...After I was suspended by the way, too.

7 Q. You had already filed the court things and everything?

8 A. Oh yes, everything was complete. The only reason for
9 it, Councilman, was that I was trying to present as much
10 information to this Council to clear me of all the charges
11 and I felt before I could make an intelligent presentation,
12 I should be able to get a few more facts because questions
13 like the Councilman has just presented to me, clearly indi-
14 cate that he wanted more specifics and I feel that by meet-
15 ing with the respective people, I was meeting with them
16 purely to get the record straight so that when you people,
17 the Councilmen here, asked me the questions, I could give
18 it to you more intelligently, and that was the only ulti-
19 mate purpose of our meeting.

20 THE PRESIDENT. Councilman Boyle.

21 BY MR. BOYLE:

22 Q. Yes, Mr. Cesaro, since you have been directed -- was this
23 a policy of the Mayor, to request of you the amount of sand
24 and salt and the preparation of the machinery?

1 A. Never has been.

2 Q. All right, this is a personal question then. Do you think
3 the reason why he did this was maybe to embarrass you at
4 all, or what was the reason behind the Mayor doing it at
5 this proper time?

6 A. Councilman, I am glad you asked me that question.
7 Like I told you, this entire snow operation was usually
8 handled and coordinated by Ernest Dambrosco and Peter Can-
9 nellas. They inform me and they have, whenever we are
10 approaching the snow season, they take on the responsibility
11 which is designated to them, to make sure that they have
12 in readiness adequate supply of sand and salt for the
13 first storm. Now, when I say the first storm, usually,
14 the consumption on an average storm is somewhere between
15 250 ton to 300 ton of sand and salt. Last year, we had a
16 surplus of sand and salt left over in the roller shed. As
17 an end product, we decided at that point in time to take
18 the surplus and deposit it down on Troy Street so that we
19 would have the surplus there for the beginning of this snow
20 season which we are under right now. And the reason for
21 that is that we paid for that material, and we had to store
22 it somewhere, and we stored it on Troy Street, and we felt
23 that before we would go ahead and order new sand and salt
24 that we would first consume the amount of sand and salt that

1 was down there on Troy Street first, and the reason for
2 that is that sometimes you get an accumulation of chunks
3 of sand and salt that freeze up and bind up, and as an end
4 product they jam up the spreading equipment so as an end
5 product we wanted to utilize that sand and salt for the
6 first storm and then after that, we would order -- we have
7 by the way set aside 4000 tons of sand and salt from Diamond
8 Crystal, which they have a contract and we have that set
9 aside and we have the money set aside for it as well -- and
10 like I said, we usually would start off the season with
11 that supply, which we intended to do, so we did feel, and did
12 discuss long before, that we had an adequate supply there
13 for a regular storm. Now, if the storm would intensify,
14 I'm sure that Diamond Crystal Salt, I think in two or three
15 hours notice, would make sand and salt available, delivered
16 to our roller shed like it has been done in the past, and
17 I'm sure that we could have not consumed that amount of
18 sand and salt in that short period of time, so we never did
19 deplete our supply of sand and salt.

20 Q. So this request by the Mayor and Mr. Mancone came to you as
21 a complete surprise because it never happened before where
22 they requested this information?

23 A. Before it has always been left in the hands of our
24 snow coordinator.

1 Q. So it came as a surprise to you?

2 A. Yes, and I didn't know the ultimate purpose of him re-
3 questing this information because I am sure that Mr. Dam-
4 broscio has in the past 13 years, has been amply prepared
5 for any snowstorm at the beginning of the season.

6 THE PRESIDENT. Councilman Almagno.

7 BY MR. ALMAGNO:

8 Q. Mr. Cesaro, it says here that on November 17, you failed to
9 provide written reports concerning snow removal, right?

10 A. That's what the report says, yes.

11 Q. On the 17th, on a Monday, I heard about it, I guess half
12 of the people in the state must have heard about it, that
13 there was a storm approaching. Just hearsay from the news
14 media. I noticed that the state had their plows out,
15 they were ready -- wait a minute, don't look at me like
16 that -- they were at strategic points where they usually
17 have them. Now I heard, is it true or not, that we never
18 had a plow on a truck, come November 17?

19 A. You are right.

20 Q. You did not have a plow on a truck November 17?

21 A. You are right.

22 Q. Is that your job, you, the Director?

23 A. Yes.

24 Q. Where do you -- I don't want to argue the point --

1 A. Councilman, you asked me a question, I'm going to give
2 you an answer after; put the question to me.

3 Q. That's another question. Were the sanders all workable and
4 in operation?

5 A. Yes.

6 Q. They were all working?

7 THE WITNESS. The sanders?

8 MR. ALMAGNO. Right.

9 A. When they are mounted on a truck, the mechanics make
10 sure that if they weren't functional from the previous
11 season that they are brought back to mechanical operation,
12 yes.

13 Q. They were all working, right?

14 A. No, we did not know that. As they mount the sanders,
15 Councilman, they check them and if they are not functioning,
16 they repair them, but when they get through mounting and
17 repairing, then that piece of equipment is ready to sand
18 and salt.

19 Q. You mean to tell me them sanders that are broke down at the
20 end of the season, sit there in that garage all Summer,
21 broken down and you start to fix them in November? Is that
22 what you are telling me?

23 A. Councilman, we do not evaluate the equipment at the
24 end of the snow season and determine more or less what pieces

1 of equipment need repairs, but there are some that come --
2 that will have to be answered by Mr. Guy Zanni, he is the
3 mechanic, I'm not.

4 Q. You are the Director?

5 A. Right.

6 Q. You are the person I want to talk to, is you. Guy Zanni is,
7 he's just, as far as I'm concerned, he is a gentleman and as
8 a matter of fact, he lives in my ward, absolute real gentle-
9 man, but the only thing I want is the question, the bottom
10 line is you are the boss, I want to come to you. This is
11 my job; when my people call me, for snow removal, I try to
12 find out who is running the show, and you are supposed to
13 know the whole situation. You are just like in my business,
14 if one of my customers asks me for something that pertains
15 to produce and I don't know it, I'm in bad shape, so that's
16 all I want is a yes or no, and an answer, why this equip-
17 ment -- here we are in November, why they still don't know
18 if it works or not?

19 MR. CHAIKA. Objection.

20 Q. Now, I have been around --

21 MR. CHAIKA. The Councilman started
22 asking about snow plows and never let the witness finish
23 his answer.

24 THE PRESIDENT. Let him finish his question.

1 MR. ALMAGNO. He's looking at me as
2 though I don't know what I am talking about.

3 THE PRESIDENT. He's capable of asking
4 a question. Overruled through the Chair. Ask your question.

5 Q. Like I said, here we are, all Summer, that equipment sits
6 in that garage and these men are too busy not to take care
7 of this equipment. Let's give it the end of August, we
8 start checking this equipment out, I think if I was in
9 that business, which is your business, I think that equip-
10 ment should have been checked out before.

11 MR. CHAIKA. Is there a question?

12 Q. ...and I'd like to know, through the Chair, why this equip-
13 ment is -- why do we wait until there's a snowstorm to
14 check the equipment?

15 A. Councilman, usually, a month before the snow season
16 is approaching, we put our mechanics on it to repair all
17 the equipment before it is mounted to put it in shape for
18 the snow season. Is that understandable?

19 MR. ALMAGNO. Right.

20 A. ...Due to the layoff, the men that normally would be
21 performing that duty, were no longer with us.

22 MR. ALMAGNO. Aha.

23 A. ...What's your argument now, Mr. Councilman?

24 Q. Wait a minute, no argument, my argument is why do we have

1 to wait until a month before the season starts?

2 A. This is the normal procedure.

3 Q. Are we busy all Summer? I thought the Winter was the busy
4 time for the mechanics?

5 A. Councilman, in the past, a month in advance has been
6 plenty adequate to take care of putting the equipment in
7 shape for the up and coming snow season, and we have been
8 going on past practices.

9 Q. Okay. Another question. My fellow Councilman asked you if
10 it was a practice for the Mayor to ask you how much sand
11 and salt we had on hand, and you said there wasn't -- I
12 think you said it wasn't a practice for the Mayor to call
13 you and to ask you or send you a letter asking how much
14 salt and sand --

15 A. No, the previous request by the Mayor was, usually,
16 are we prepared for a snowstorm for the up and coming snow
17 season and the answer would be yes, our men are effectively
18 preparing for the snow season, yes, that would be the ex-
19 tent of it. I'm sure, Councilman, that the Mayor -- and
20 he's been in office six years?

21 MR. ALMAGNO. Yes.

22 A. ...I'm positive that he has been exposed to the snow
23 operation, do you agree?

24 MR. ALMAGNO. Absolutely.

1 A. Do you think just like you are demanding me to offer
2 you an explanation --

3 MR. ALMAGNO. Hold it, hold it. I am
4 not demanding, I'm asking. Let's get this straight.

5 A. Fine, Councilman, I stand corrected. Don't you think
6 the Chief Executive for the City of Providence should also
7 know what the current snow operation is after six years in
8 office.

9 Q. Yes, I think he does, but maybe he just wants to make sure,
10 that he wants to check it out?

11 A. I'm sure the Mayor is concerned and I'm deeply con-
12 cerned as well.

13 Q. And if I may ask you one more question. I thought I heard
14 you say, that the snow removal program we have is obsolete?

15 A. What was that?

16 Q. The way we function, the snow --

17 A. I said for the record, that for the past 13 years, the
18 snow operational plan has been functional, it has coped with
19 most every storm that could be humanly coped with, with the
20 personnel we had and the equipment we had and the super-
21 vision we had, which is the able-bodied supervision of Mr.
22 Ernest Dambrosco and his co-ordinator, Mr. Peter Cannellas.
23 That's what I have said, and for the record, do you realize
24

1 these people -- I have only a year and a half service --
2 do you realize these people become professionals in that
3 line of work and are better qualified than you, myself,
4 and the Mayor, to coordinate that operation? Do you agree
5 on that?

6 MR. ALMAGNO. Maybe, I wouldn't say no.

7 THE WITNESS. Thank you.

8 MR. ALMAGNO. I guess they should be
9 after all them years, they should be.

10 THE WITNESS. Thank you.

11 MR. ALMAGNO. That's all for now.

12 BY MR. PEARLMAN:

13 Q. Mr. Cesaro, I understood you to say when you testified at
14 the last meeting that you went somewhere after 6:00 to
15 12:00 the evening, Monday evening, in question. I'd like to
16 know, you said you went somewhere on personal business?

17 A. Yes.

18 Q. But you never told us, as far as I recall, where you were?

19 A. Councilman, do you feel that I have a personal life of
20 my own, that I am entitled to a personal life?

21 Q. Not if there is a pending snowstorm.

22 A. True.

23 Q. That's your obligation to be on call?

24 A. But there was no threat and there was no possible

1 major threat, and I was not assessed of any threat by the
2 normal procedure by which I am going to explain later in
3 my report.

4 Q. Do you have an objection telling us where you were during
5 that time?

6 A. During what time?

7 Q. Between 6:00 P.M. to 12 midnight?

8 A. I left my house, I believe, somewhere around 9:30.

9 Q. From 9:30 to 12?

10 A. At 9:30 I had personal business which involves a
11 personal problem and I don't think it is proper that I have
12 to discuss that in public, because it did not pertain to
13 the City of Providence's business, and I was not performing
14 any duties that I was expected to be performing in that
15 particular time, and I'm entitled to my privacy of my own
16 personal life.

17 THE WITNESS. Mr. Pearlman, can I ask
18 you a question?

19 THE PRESIDENT. You are not supposed to.

20 MR. PEARLMAN. Why not?

21 THE WITNESS. We are here for clarifi-
22 cation for the sake of the taxpayers, is that correct?

23 MR. PEARLMAN. Right.

24 THE WITNESS. Can I ask you a question?

1 THE PRESIDENT. You are not supposed to.

2 THE WITNESS. Can I have your permission?

3 MR. PEARLMAN. I have no objection.

4 THE PRESIDENT. Anybody else have any
5 objection?

6 MR. SNOWDEN. I do.

7 THE PRESIDENT. You can't ask the ques-
8 tion. Anybody else want to question Mr. Cesaro. If one
9 person objects, you can't ask the question. Any other
10 questions?

11 BY MR. DILLON:

12 Q. What was it like last year when the Mayor asked for a snow
13 removal plan? Didn't he ask for one last year and what was
14 the extent of that request?

15 A. Councilman, the snow operational plan has been con-
16 sistent -- well, let me clarify that. As far as I'm con-
17 cerned, it was set into action a good many years ago, and
18 that same plan has been executed year after year, and as an
19 end product, the Mayor, after six years, I'm sure was fully
20 acquainted with that operational plan.

21 Q. Yes, but this year, he sent you a letter and he asked you
22 over the telephone to have the plan ready, he didn't ask
23 that last year?

24 A. He did not.

1 Q. How about -- what was the basic relationship? Had the
2 Mayor ever, before he suspended you in the Summertime, had
3 he ever brought you in and said, 'Clem, there's some things
4 in the Department of Public Works that I don't think are
5 right, and I want you to take care of them.' Had he ever
6 done that?

7 A. No, absolutely not. I have offered my cooperation
8 with the Mayor, in spite of him attempting to suspend me
9 the last time, I made it public, I felt I had an obligation
10 to the taxpayers of the City of Providence. Aside from
11 all the inuendos about politics and everything else, I took
12 an oath of office to perform the duties that I am expected
13 to perform and I intend to do so regardless of politics or
14 anything else. I intend to do the job that I took the oath
15 of office for.

16 Q. Does he bring you in for the budgets, does he bring you in
17 on a regular basis and evaluate the performance?

18 A. No, he doesn't. There's been no communication between
19 the Mayor and myself.

20 Q. Is that since the Summertime?

21 A. I don't want to say -- I would make myself available,
22 whenever he would request it, but no requests were ever
23 made upon me.

24 Q. Is that since the Summertime or was that the case from the

1 time you took office, that you never had a very personal
2 relationship with the Mayor, he never brought you in --

3 A. No, before the problems that started to develop be-
4 tween the Mayor and myself, before that time, we seemed to
5 have many meetings with his various people, his various
6 staff, and we also came in and discussed many things in
7 the past, and whenever they called upon me, that was my
8 job, I had to come in and give them an intelligent evalua-
9 tion when they asked me questions. That's part of my re-
10 sponsibility.

11 Q. But they did that before and after the Summertime, when you
12 first were suspended, it stopped?

13 A. There was no more communications.

14 MR. MANSOLILLO. Mr. President.

15 THE PRESIDENT. Councilman Glavin.

16 BY MR. GLAVIN:

17 Q. I was going to delay questioning until after we allowed Mr.
18 Cesaro to make his presentation. It seems that we are going
19 to continue this line, so I know we are getting close to
20 breaking, but I want to clarify something, I believe Coun-
21 cilman Dillon, Mr. Cesaro, just asked you if the Mayor ever
22 called you in to ask you or to consult with you about any
23 problems in Public Works and I believe you said, and I will
24 try to quote -- "No, he didn't," am I correct?

1 A. Yes.

2 Q. During the recent period of trouble in the Public Works
3 Department, the disclosures about excessive overtime and
4 people coming up on no-show jobs, the Mayor never called
5 you in and asked you about that?

6 A. That particular time, most of our correspondence --
7 most of our communications came directly with executive
8 orders telling me exactly what he expected. The only time
9 he communicated with me at that particular time, as I re-
10 call now, you are asking me to research my mind for an ex-
11 tensive length of time, but I think at the particular time
12 where that was under controversy and there was quite a bit
13 of comments, I spoke to the Mayor on the phone relative to
14 it.

15 Q. I just, you know, you are under oath, I'm not making ac-
16 cusations, don't get me wrong.

17 A. I know.

18 Q. If I remember the events correctly, I thought there was a
19 circumstance, several circumstances, where he summoned you
20 to his office, if I'm not mistaken, you came on more than
21 one occasion to discuss specifically the excessive over-
22 time?

23 A. You know Councilman, not to interrupt you, I don't
24 like the statement that I was summoned. Am I a public ser-
vant?

1 Q. I believe the Mayor is your direct superior?

2 A. Yes.

3 THE PRESIDENT. Cut, 6:00.

4 (RECONVENED AT 7:50 P.M.)

5 ROLL CALL: President Fagnoli: Here.

Mr. Addison: Here.

6 Mr. Almagno: Absent.

Mr. Boyle: Absent.

7 Ms. Brassil: Here.

Mr. Cirelli: Absent.

8 Mr. Cola: Absent.

Mr. Dillon: Absent.

9 Mr. Easton: Absent.

Mr. Farmer: Present.

10 Mr. Flynn: Here.

Mr. Glavin: Here.

11 Mr. Griffin: Absent.

Mr. Johnson: Absent.

12 Mr. Lynch: Absent.

Mr. Mansolillo: Absent.

13 Mr. Moise: Here.

Mr. O'Connor: Here.

14 Mr. Paolino: Here.

Mr. Pearlman: Here.

15 Mr. Pennine: Here.

Mr. Petrosinelli: Here.

16 Mr. Salvatore: Here.

Mr. Snowden: Here.

17 Mr. Stravato: Here.

18 Mr. Xavier: Absent.

19 THE PRESIDENT. Fifteen present, eleven
20 absent, we have a quorum.

21 We have to wait for Councilman Glavin to get back here.
22 He was the last one. Councilman Glavin, will you proceed.

23 MR. GLAVIN. If I could ask the stenog-
24 rapher to read back my last question.

(LAST QUESTION AND ANSWER READ
FROM PREVIOUS SESSION)

1 Q. If I remember correctly, I was following the line of ques-
2 tioning that Councilman Dillon had asked you relating to
3 whether the Mayor on previous occasions had requested you
4 or consulted with you regarding matters of your department,
5 and at that time you had gone on the record as saying no,
6 he hadn't, and I followed with a line of questioning, with
7 the incident, or shall I say incidents, controversial as
8 they were in regards to no-show people working at the De-
9 partment of Public Works, and a great deal of excessive
10 overtime, were you not summoned on one or two other oc-
11 casions to the Mayor's office to discuss these matters,
12 and I think that's what we were talking about, before we
13 were cut off. So it was my recollection, that based upon --

14 THE PRESIDENT. I was just informed the
15 the Counsel Piccirilli will be a little late, so we have to
16 stop our proceedings.

17 MR. GLAVIN. In other words, it's five
18 of 8:00 --

19 THE PRESIDENT. So we'll have to take a
20 five-minute recess.

21 MR. CHAIKA. Mr. Rotella is here.

22 MR. ROTELLA. I am not acting as counsel.
23 Mr. Piccirilli is.

24 MR. CHAIKA. Why then is he sitting inside

1 the bar of the Council Chambers?

2 THE PRESIDENT. We have others too that
3 are sitting in the Council Chambers. Do you want him re-
4 moved out of the Council Chambers?

5 MR. CHAIKA. Does he have an official
6 presence? If he does, he should go forward and be prepared.
7 If he doesn't, he should leave.

8 MR. SNOWDEN. He has no right to state
9 who sits on this floor.

10 MR. GLAVIN. Not to take sides, but this
11 is a Council hearing, he is a member of the City Solicitor
12 staff, I would assume under the rules of the Council he has
13 every right to be in the Council Chambers.

14 MR. CHAIKA. My client has constitutional
15 rights, we have been here since 7:30, ready to proceed.
16 Why are we waiting? There's no excuse for his being late.

17 THE PRESIDENT. We'll find out when he
18 comes in what the excuse is.

19 MR. MOISE. May I change the rules, vote by
20 absentee ballot.

21 THE PRESIDENT. We are at ease.

22 (COUNCIL AT EASE 7:55 to 8:10 P.M.)

23 THE PRESIDENT. Clerk, recall the roll.

24 ROLL CALL: President Fargnoli: Here.

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

(MR. ALMAGNO IS RECORDED AS
BEING PRESENT)

MR. ALMAGNO. Thank you.

THE PRESIDENT. Eighteen present, eight
absent, we have a quorum. Councilman Glavin.

MR. GLAVIN. One more time.

THE PRESIDENT. One more time.

(MR. O'CONNOR RECORDED AS
PRESENT)

BY MR. GLAVIN:

Q. Mr. Cesaro, I believe we know why we are here, and do you
want me to re-ask the question again?

1 THE WITNESS. Yes.

2 MR. GLAVIN. I would ask the stenographer
3 to read back the last question before the interruption.

4 (PAGE 3-59, QUESTION 1 READ
5 BACK)

6 A. I think, Councilman, I answered that question. As far
7 as I recollect all my thoughts, you must appreciate, that
8 I wanted to tell, as accurate a statement as I possibly
9 can, in all good conscience, I can relate to the situation
10 about the overtime issue, and most of the communications
11 and my communication with the Mayor was by phone conversa-
12 tion at the particular time. That's what I recollect.

13 Q. The reason I asked that, Clem, is because I was just follow-
14 ing the train of thought that I think had been established
15 by two of my Councilmen. I think they were trying to estab-
16 lish a position -- at least it was my impression that they
17 were trying to establish a position -- that it was an un-
18 usual set of circumstances for the Mayor to request certain
19 things of you, and it just seemed to me that that was one
20 particular instance that I remembered where I thought most
21 categorically you had come to the Mayor's office, I had
22 remembered you being on TV, or whatever, the Mayor summon-
23 ing you to his office, you bringing a list of overtime,
24 employees that were authorized to receive overtime, etcetera

1 etcetera, etcetera, and all I was trying to do is set the
2 record straight for your behalf because your answer to the
3 negative the fact that you had not been summoned to the
4 Mayor's office, he had not involved you in what you call
5 strategy sessions, whatever, pertaining to your department.

6 A. The last time you are talking about when he suspended
7 me, if you recall, and going back, as I recollect, he made
8 a formal request in writing to me and I had to comply with
9 that request that he made. It was all done, as I recollect
10 in writing, there was no contact between the Mayor and my-
11 self outside of the conversation he had with me I think on
12 one or two occasions over the phone, but never where I went
13 into his office relative to that, the overtime issue.

14 Q. That's what I was trying to determine, because seeing that
15 two of my Brother Councilmen were trying to establish, in
16 my opinion, the fact that you were not involved in circum-
17 stances where the Mayor would call you in and ask you cer-
18 tain questions relative to your department, and I just felt
19 it was my knowledge it was; so in that particular circum-
20 stance you did?

21 A. Many occasions to just clarify further, the Mayor on
22 many occasions found it necessary to deliver his communica-
23 tions, or letters, to me utilizing the Providence Police
24 Department as a courier for his questions, which I thought

1 the City Sergeant -- maybe I'm incorrect -- but I thought
2 the City Sergeant was supposed to perform those duties,
3 usually.

4 Q. That's a question I can't answer.

5 A. But I just want to relate on numerous occasions, he
6 had sent the Providence Police Department to either deliver
7 some order, some request of his, and he always did it, it
8 seems continuously, with the services of the Police Depart-
9 ment.

10 Q. Another question I wanted to ask, Mr. Cesaro, as the Direct-
11 or of the Department of Public Works, normally since the
12 time that you have held that position, is there an estab-
13 lished time when snow plows are affixed to cars or trucks,
14 I should say, I'm sorry, and spreading machines are also
15 put in the trucks. In other words, is there a specific date
16 or period of time in which you would say, 'Okay, whoever
17 would be the second in command, or third in command, today
18 is so and so, are all the plows affixed to the trucks, are
19 the spreaders on the backs of the trucks operational, filled
20 with salt, sand, or whatever.' You know, based upon since
21 the time you have been Department of Public Works Director,
22 is there a specific date where I would think -- I would
23 think -- offhand there should be some type of timeframe
24 when it would be done?

1 A. Yes, I usually leave that -- they're usually set up
2 to prepare the necessary -- repair the plows, and repair the
3 sanding equipment. They normally perform those services,
4 and they don't have to wait for the Director of Public
5 Works to tell them to perform those services.

6 Q. What I'm asking, is there a specific time or date when this
7 is normally done?

8 A. Usually, a month in advance of the anticipated snow
9 season.

10 Q. When is that?

11 A. I would say a month before the present situation we
12 have right now.

13 Q. So you would state then based upon -- I'm not trying to
14 put words in your mouth -- then normally, on November 17,
15 the plows should have been on the trucks and the spreaders
16 should have been on the trucks, by your own testimony?

17 A. No. Let me clarify that.

18 Q. That's what I'm trying to find out.

19 A. The plows are never put on trucks until we get the
20 first snowstorm. We do not travel around with the trucks
21 with the plows on them because we may not get a snowstorm.
22 So only when we are involved and we know that we got a
23 storm that's coming and it is going to be over two and one-
24 half, maybe two to two and one-half inches, because the

1 plows then are pushed into service, because less than two
2 and one-half inches they serve no functional purpose, be-
3 cause they don't grab that accumulation. Is that under-
4 standable?

5 Q. Now, if I can ask a question, what about the spreading
6 machines?

7 A. What about the spreading machines?

8 Q. When do they normally go on the trucks?

9 A. I say usually they make their preparations to prepare
10 them as they are getting ready coming into the season, and
11 they usually start mounting the trucks about a month in
12 advance.

13 Q. Advance of what, impending snow season?

14 A. Yes, impending snow season.

15 Q. I'm not trying to belabor the point, but do you have a date?
16 I would assume come first of December or a certain part of
17 December, you would say, 'We're in the snow season.'

18 A. I'd have to check that out specifically. You're ask-
19 ing for a specific date.

20 Q. Well no, approximately?

21 A. And rather than me make a false statement, I can check
22 that out, but I leave that entirely up to Mr. Guy Zanni who
23 is in charge of the equipment, and he knows the approaching
24 season is fast approaching and he is already making the

1 necessary preparations to make sure that that equipment
2 is in readiness.

3 Q. Okay, do you feel, as the Director of the Department of
4 Public Works, that on November 17, 1980 there should have
5 been in place, if not the snow plows on the trucks, at
6 least the spreading machines on the trucks in the Depart-
7 ment of Public Works?

8 A. That is right. There should have been 15 trucks
9 mounted with sanding equipment.

10 Q. As the Director of the Department of Public Works, why
11 weren't these 15 trucks mounted with sanding equipment?

12 A. Because of the layoff, I did not have the mechanics
13 to perform the necessary services required by these mechan-
14 ics to put those trucks in order, and by the way, for the
15 record, I previously knew this and there is a letter of
16 record which will be presented to you, clearly stating that
17 I realized that we needed more mechanics, and I tried to
18 put mechanics back into action that were laid off, because
19 I anticipated the problem of not having the sanding equip-
20 ment ready for the snow season, and by the way, the Per-
21 sonnel Director rescinded my request.

22 Q. All right, seeing that the layoff question continues to crop
23 up in your testimony, Mr. Cesaro, after the layoffs were
24 effectuated, how many mechanics were you left with?

1 A. How many mechanics was I left with to perform the
2 services --

3 Q. How many mechanics were you left with?

4 THE WITNESS. In the entire department?

5 MR. GLAVIN. Yes.

6 A. You must clarify that, Mr. Glavin, for the simple
7 reason we have mechanics --

8 Q. In the Department of Public Highways?

9 A. Let me go a step further because intelligently to give
10 you the honest answer, you must know where these mechanics
11 are utilized in the department. We have mechanics that are
12 utilized in the Sanitation Department that are constantly
13 keeping those trucks in service; we have mechanics also
14 working on automobiles and other pieces of equipment in
15 the Municipal Garage; we have mechanics that are solely
16 supposed to be performing the services of mounting the
17 sanding equipment, and I think there were somewhere in the
18 vicinity of eight mechanics involved.

19 Q. If I can ask you a question based upon your recent state-
20 ment, I was led to believe by what you just said, you have
21 certain mechanics that just put work on spreaders and putting
22 on snow plows?

23 A. They are prepared to perform that service; in the past
24 that's all they have been doing.

1 Q. So what do those mechanics do in the Summer?

2 A. What, please?

3 Q. What do those mechanics do in the Summer?

4 A. Other services, too far for me to attempt to enumerate
5 for these people this evening.

6 Q. Is there any reason why -- we are going around in circles
7 here. Is there any reason why whatever remaining mechanics
8 you had, whether they be one, or a hundred, could not have
9 performed the basic duties of, one, mounting and installing
10 the spreaders on the trucks, and number two, if and when
11 the appropriate time deemed necessary, mount and place the
12 snow plows on the trucks? Is there any reason why the
13 remaining mechanics you had could not perform those func-
14 tions?

15 A. Yes, because they were performing other functions like
16 keeping garbage trucks running, also keeping your vehicles
17 running, and your other trucks running, that were in the
18 Municipal Garage. They were doing those services. If you
19 pull them away, Mr. Glavin, if you pull them away from
20 those services that they were providing, we wouldn't have
21 the garbage trucks out on the road and we wouldn't have
22 other vehicles out on the road.

23 Q. I will continue along this line of questioning. On the
24 average, to your knowledge, as Director of Public Works,

1 how long does it take, and how many men does it take, to
2 install the spreader on the back of the truck?

3 A. Usually two men, two mechanics.

4 Q. Do you know how long a period of time?

5 A. That is solely --

6 Q. Approximately?

7 A. Councilman, that is solely dependent upon the condi-
8 tion of the spreader that is being mounted, if it has to
9 go into extensive repairs, there's no fixed time for mount-
10 ing a piece of equipment. It's dependent upon the condi-
11 tion of the piece of equipment.

12 Q. According to your previous testimony, and you can confirm
13 or deny this as I ask the question, according to published
14 reports, that evening of November 17, eventually during
15 the course of the evening, four spreaders were mounted
16 and became operational on four trucks, is that or is that
17 not correct?

18 A. That's correct. There were four trucks available,
19 mounted with sanding equipment on it.

20 Q. Can I ask you, to the best of your knowledge, how long a
21 period of time did that take and how many mechanics were
22 involved?

23 A. I have no idea. You are asking me right now, how
24 much time was devoted to put those four pieces of equipment,

1 mounted on the -- I have no idea, but I can get that infor-
2 mation from Mr. Guy Zanni who is in charge of that, he's the
3 head of that department.

4 Q. The reason I ask this is because I am trying to establish
5 something.

6 A. I understand.

7 Q. We're saying on one hand we don't know how many mechanics,
8 it takes two mechanics, we don't know how long it takes
9 them because of the amount of possible repair that may be
10 necessary to these sanders, and at the same time we're say-
11 ing on November 17, prior to a certain period of time that
12 we haven't really established, no trucks had any spreaders
13 on them, no trucks had any plows, and then in the same
14 breath we're saying eventually four trucks were fitted with
15 spreaders, and I'm trying to find out if and why, or why
16 not, based upon the personnel that was left remaining after
17 the layoffs, why these trucks could not have been fitted
18 with spreaders and plows in ample enough time to do some
19 type of basic job with the impending snowstorm, snow squall,
20 or whatever you want to call it, and from what I'm hearing
21 so far, this is my opinion for the record, and I'm not try-
22 ing to badger you Mr. Cesaro, but it's not correlating.
23 We're saying one thing on one hand and another thing on
24 another hand, and I'm trying to establish some type of basic

1 pattern.

2 MR. CHAIKA. Objection, for the record.
3 There's no testimony at all at any particular time that
4 there were no trucks equipped with sanding equipment.

5 THE PRESIDENT. Overruled. Continue.

6 MR. GLAVIN. I will let Mr. Cesaro answer.
7 A. Councilman, shortness of hands means shortness of per-
8 formance of work. Do you agree?

9 MR. GLAVIN. In certain circumstances.

10 THE WITNESS. Come on, Councilman,
11 let's be honest, for the record.

12 MR. GLAVIN. Mr. Cesaro.

13 THE WITNESS. Two hands can provide so
14 many work.

15 Q. The whole subject of this hearing is we haven't established
16 how many hands were there, whether they were short or long?

17 A. Councilman, I prefer you address that question to Mr.
18 Guy Zanni who is in charge of the implementation of the
19 sanding equipment on the trucks, and do you consider him the
20 professional in that line of work.

21 MR. GLAVIN. I don't know Mr. Zanni, I
22 know nothing about Mr. Zanni -- well, I am not answering
23 your questions, I'm here to ask you questions. Let's get
24 one thing straight.

1 THE WITNESS. Fine.

2 MR. GLAVIN. Don't get me wrong, I'm
3 trying to treat you with courtesy, I'm just trying to es-
4 tablish facts, nothing more than, I am not trying to cast
5 any aspersions towards you or anything else.

6 Q. Based upon your testimony, there are a lot of things that
7 don't correlate and I'm trying to find out what was the
8 facts. Mr. Zanni, if he is indeed going to be a witness,
9 I will ask him his questions, but the bottom line is you
10 are indeed the Director of the Department, you should know
11 all these things, I shouldn't know them, that's why we have
12 you.

13 A. I asked Mr. Zanni why we got behind and he specifically
14 told me because of the layoffs, he did not have the manpower.

15 MR. GLAVIN. Okay fine, now we are start-
16 ing to get back on the right track.

17 THE WITNESS. Good.

18 MR. GLAVIN. Thank you.

19 Q. Let me ask you another question. You stated in response
20 to a previous inquiry you didn't know about the impending
21 snowstorm per se until about 9:30 P.M., is that correct?

22 A. You shot that at me too fast.

23 Q. I'm sorry, you stated previously, I don't remember exactly
24 who asked you, that you did not know about the impending

1 snowstorm until approximately 9:30 P.M. that evening, is
2 that correct?

3 A. That's about right.

4 Q. Okay fine, now, can I ask you, when you found out about the
5 impending snowstorm, what did you, as Director of the De-
6 partment of Public Works, do in relationship to handling
7 this situation?

8 A. Councilman, I repeat for the record, I have answered
9 that question already.

10 Q. I don't believe so.

11 A. I don't think we should rerun --

12 Q. I am not trying to do that.

13 A. The question was put to me before and I explained it
14 very clearly the functions of the snow removal operation
15 and that there were many many other forecasts that come in
16 during the time that I was the Director, and that those
17 forecasts, we could take sometimes very seriously and some-
18 times they didn't amount to nothing, and I told you that the
19 system that's devised is triggered by the dispatcher. I
20 don't think I should go over this questioning.

21 Q. I am not trying to make you repeat yourself, I am trying to
22 clarify something. In my opinion, I'm not clear upon your
23 previous answer. Let me state an opinion -- or let me ask
24 you a question as you have asked me a couple of questions.

1 Do you think it is reasonable if you are the Director of a
2 department, charged with handling a snow emergency or a
3 snow situation, whichever terminology you'd like to use,
4 that it would be responsible for you to simply -- not sit
5 back, I don't want to use that word -- but shall we say,
6 take the assumption that because in previous situations the
7 dispatcher has handled situations of this nature which you
8 previously outlined, that you as a director would not check
9 to see that certain situations or provisions have not been
10 made to combat a possible existing snowstorm?

11 A. Councilman, if I had to check every one of my division
12 heads and every one of my men to see that they were perform-
13 ing their duties properly, there would be no time in the
14 day for me to accomplish the duties that I am, supposedly
15 as the director, supposed to be performing, can you appre-
16 ciate that?

17 Q. Not in relationship to a snowstorm, no I can't. A situa-
18 tion like a snow emergency, snowstorm, is a unique occur-
19 rence, doesn't happen every day, Mr. Cesaro. I'm not trying
20 to scold you or tell you how to run your department, I don't
21 want you to get that impression, but I would think it would
22 be only common and an accepted practice for any head of any
23 department under a certain situation, to make sure all nec-
24 essary preparations were indeed taken care of. And very

1 simple, whether it be by telephone, personal appearance or
2 whatever, that you would check with the people who are
3 charged with certain responsibilities, and make sure that
4 things are adequately prepared and then you can go about
5 your other business. Do you agree or don't you agree?

6 A. No, I don't agree, and I think at this point in time,
7 that I should start making some of the facts available, so
8 that everybody here can intelligently know the functions
9 of that department so that you or anybody else here do not
10 have to bring up the same questions and I would have to
11 answer you 50 million times.

12 Q. I can appreciate that, the only reason I am asking --

13 A. Now I think everybody is here for an intended purpose
14 to get the facts, I think it is about time that I start to
15 present the facts, and if we continue with this line, and
16 I have to continuously answer your questions, it is not
17 going to satisfy all these people that make their presence
18 here, that want to know the true facts, and if this Council
19 would permit me the opportunity to go from the point of be-
20 ginning, present my case, then I will only be too happy to
21 listen to your questions.

22 Q. I can appreciate that, but unfortunately the Council has
23 already set a precedent by continuing this line of ques-
24 tioning, and the only reason I'm asking these questions

1 is because, in my opinion, you haven't answered them before,
2 not to my personal satisfaction. I'm not trying to cast
3 inuendo in your regard, I'm just trying to find out facts
4 period, nothing else. Very simple. That's all I'm trying
5 to do.

6 A. Any other questions that you want. Do you have any
7 other questions, I'll be only too happy to answer.

8 MR. GLAVIN. Okay fine. At this point
9 in time I see that we seem to -- I think you are mistaking
10 my intentions in this matter, and I personally feel that
11 my line of questioning would not be well served, and I will,
12 you know, rest, if you so say.

13 THE WITNESS. Please, I don't want to
14 offend you, Councilman.

15 MR. GLAVIN. Not at all. I can under-
16 stand. I only ask questions that I want answers to and
17 the only reason I'm asking because I don't feel in my
18 personal opinion they were answered to my personal satis-
19 faction properly before. I am not saying you are trying to
20 avoid the issue, don't get that impression.

21 THE WITNESS. I don't think I made any
22 move in that direction.

23 MR. GLAVIN. I think under the circum-
24 stances, I notice by other Councilmen's questions you keep

1 alluding to the fact you'd like to make your presentation.
2 I think if all the Councilmen withheld their questions
3 until you make your presentation and we can go from there.

4 BY MR. STRAVATO:

5 Q. Mr. President and members of the Council, Mr. Cesaro, am I
6 correct that in a very short period of time you were sus-
7 pended twice by the Mayor?

8 A. Yes.

9 Q. Under the Mayor's own presentation under oath he admitted
10 that the first suspension was politically motivated. After
11 listening -- I'm going to lead to a question -- to the
12 Mayor's testimony, very documented, like every second of
13 of his time from 4:00 on the 17th to the wee hours of the
14 morning on the 18th, it appears to me that there may be
15 some political overtone in this suspension. My question to
16 you would be, what were your activities, I would say, from
17 like 4:00 on the 17th of November to the wee hours of the
18 morning on the 18th?

19 THE WITNESS. What were my duties?

20 Q. What were your activities, what did you do from that period
21 of time up until the wee hours of the morning on the 18th?

22 A. I was performing the duties that I thought were as-
23 signed to me as the Director of Public Works, and I was
24 doing the best I could with the circumstances I was faced
with.

1 Q. What did you do in that period of time?

2 THE PRESIDENT. I think he established
3 that before.

4 MR. STRAVATO. What I am trying to do is
5 have him give us his presentation of what he did for that
6 period of time.

7 MR. GLAVIN. Point of order, I asked the
8 same exact question, except I cut down the hours, and Mr.
9 Cesaro did not want to answer on the grounds of repetition,
10 and I delayed any further questions on the ground we were
11 going to allow Mr. Cesaro to explain his story. I think we
12 should allow it to happen and any questions that should
13 come to bear then we should ask them then.

14 Q. I ask Mr. Cesaro that you give your presentation, what took
15 place from 4:00, what you did until the wee hours of the
16 morning on the 18th?

17 A. I think briefly, certain Councilmen have been asking
18 me questions and have brought up certain questions that I
19 have offered them just segments of, but I think it is about
20 time, that I --

21 Q. Mr. Cesaro, my question is, please, what you did from, say,
22 4:00 on the 17th of November until those wee hours of the
23 morning on the 18th, what took place? That's what I am
24 asking you. That's my question.

1 MR. PICCIRILLI. Mr. President.

2 THE PRESIDENT. Now, you want him to
3 give his presentation?

4 MR. STRAVATO. That's what I am asking.

5 MR. PICCIRILLI. I object to that. I
6 haven't presented the balance of my case.

7 THE PRESIDENT. That's right too.

8 MR. STRAVATO. I have the floor, Mr.
9 President. Now my question --

10 THE PRESIDENT. Ask the questions.

11 MR. STRAVATO. My question to Mr. Cesaro
12 and it is a question, and I am asking you to answer, what
13 he did on November 17, from say 4:00 P.M. until the wee
14 hours of the morning on the 18th, that's my question, and I
15 expect Mr. Cesaro to answer it.

16 MR. PICCIRILLI. I have no objection to
17 the question being asked and answered provided it is not
18 deemed to be part of Mr. Cesaro's presentation. I haven't
19 finished my Direct case yet. I have many witnesses, I have
20 tapes I want to play. There's an awful lot I want to do
21 and I don't want this hearing aborted or terminated soon --

22 MR. STRAVATO. I have the floor and I
23 have a question before Mr. Cesaro and I expect him to answer
24 it.

1 THE PRESIDENT. You are still on the
2 floor and you have the right to ask the questions. After
3 he gets through I will call on you.

4 THE WITNESS. The only way to answer
5 this entirely is to answer in its entirety, Councilman, so
6 that these gentlemen and everybody else concerned will get
7 the true picture of what transpired during that crucial
8 time. That's what you are asking me, is that correct?

9 MR. STRAVATO. Yes.

10 MR. PICCIRILLI. Mr. President, I want a
11 ruling from the Chair, is this considered part of Mr. Ces-
12 aro's presentation or is it merely considered an answer to
13 a Councilman's inquiry?

14 THE PRESIDENT. It is an answer.

15 MR. PICCIRILLI. Merely an answer to the
16 Councilman's inquiry?

17 THE PRESIDENT. Yes.

18 MR. PICCIRILLI. Thank you, I have noth-
19 ing further.

20 MR. STRAVATO. If I sit down I won't
21 lose the floor?

22 THE PRESIDENT. Go ahead. Definitely not.

23 A. On November 13, 1980 --

24 MR. PICCIRILLI. I am going to object.

1 I thought the question was from the 17th to the 18th.

2 THE PRESIDENT. We want to know from the
3 17th at 4:00 in the afternoon, until the 18th, that was the
4 question.

5 A. ...I will start here. This will bring us around 4:00.
6 I was at the Board of Contract meeting Monday afternoon,
7 November 17, 1980, at City Hall, from 2:00 to approximately
8 4:00 P.M. and returned to my office at approximately 4:10.
9 When I returned, no messages to call the Mayor was left
10 with my secretary. However, I relate to "See Item Number 3,
11 a call at 4:15."

12 MR. PICCIRILLI. Would the stenographer
13 read back the last part of the answer?

14 (ANSWER READ)

15 A. ...This is a letter dated November 14, 1980, Friday,
16 at 3:05, on that day, which requested additional items of
17 information to be supplied to his office, that's the Mayor's
18 office, by Monday, November 17, 1980 by 4:30. On November
19 17, 1980, at 4:15, I was in receipt of a phone call from
20 the Mayor's secretary, asking if the requested -- remember
21 this time, 4:15 -- asking if the requested information out-
22 lined in the letter dated November 14, 1980, would be de-
23 livered by 4:30. I informed the Mayor's secretary, we had
24 all the information requested in the November 14, 1980

1 letter ready, with the exception of the volumes of sand
2 and salt in our Troy Street location. That will complete
3 the information requested. I told her that complete in-
4 formation would be in their office by the next morning.
5 At this point and time, I discussed it with Mr. Lembo, and
6 he said -- by the way Mr. Lembo is my Deputy Director --
7 and he said he would check it on his way home that day so
8 that we could have the complete information requested by
9 the next morning. For the record, Item Number 3, once
10 again, in the November 13, 1980 letter regarding snow re-
11 moval contracts negotiated, one of the items requested, ne-
12 gotiated and remaining to be negotiated and signed, the
13 key man Peter Cannellas was laid off that was responsible
14 for getting these contracts signed, and he --

15 MR. SNOWDEN. Mr. President, I think if
16 I recall, the question was, what did this gentleman do, not
17 who said who was laid off, but his actions, and I don't
18 feel that what Mr. Cesaro is responding to are his actions.
19 If he were dealing with a letter, then that is part of his
20 actions. I don't believe we want to know every graphic de-
21 tail of what is in the letter, what his thoughts were, what
22 his anticipations were. I agree with the Councilman, we'd
23 like to know what his actions were and what his time account-
24 ability is, but I don't know as I agree with the reading

1 of a statement, since the Mayor was challenged from read-
2 ing from notes and a dissertation on who was laid off and
3 who wasn't.

4 MR. CHAIKA. I'd like to point out the
5 Mayor was challenged but certainly not stopped from read-
6 ing the notes.

7 MR. PICCIRILLI. Along those lines, I'd
8 like to examine the notes, as Mayor's counsel. I'd like to
9 examine Mr. Cesaro's notes.

10 THE PRESIDENT. You are entitled to it.

11 MR. PICCIRILLI. Thank you. May I see
12 the other also?

13 THE WITNESS. I am not reading from it.

14 MR. PICCIRILLI. I will give that to
15 your attorney so you won't read from it. May I have a
16 moment? May I suggest a ten or 15-minute break, these
17 notes are extensive.

18 VOICE. He should have been here at 7:30.

19 THE PRESIDENT. The Council will stay
20 at ease.

21 (RECESS 8:45 TO 8:55)

22 THE PRESIDENT. Clerk, call the roll
23 please.

24 ROLL CALL: President Fagnoli: Here.

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

14 THE PRESIDENT. Nineteen present, seven
15 absent. We have a quorum. Counselor, is everything satis-
16 factory?

17 MR. PICCIRILLI. Mr. President, I just
18 wanted the members of the Council to be aware of the fact
19 that these are not notes but in fact a nine or ten page
20 presentation. I would have no objection for those notes
21 being copied and handed out to the members of the Council
22 for their perusal, and whatever time they want to, but if
23 the witness is going to read from the notes, the notes
24 should be admitted into evidence. If he is going to testify

1 and use the notes to refresh his recollection, that's some-
2 thing else. So I really don't know whether the witness
3 intends to read from the notes or testify using the notes
4 to refresh his recollection. I'd ask that question.

5 MR. CHAIKA. If I can be heard. Mr.
6 Piccirilli was given great latitude the first day of the
7 hearing where he was allowed to not only introduce exhibits
8 into evidence, but also to allow the Mayor or himself read
9 extensively into the record. I don't see anything wrong
10 with Mr. Cesaro just reading at this time.

11 THE PRESIDENT. But the rules were
12 changed.

13 MR. PICCIRILLI. I don't have any objec-
14 tion to that, because the documents the Mayor read from
15 were introduced into evidence. That's all I am suggesting.
16 If the witness wants to read from that document, introduce
17 it, as we introduced our documents, and then he may read
18 from it. He may read it verbatim.

19 THE PRESIDENT. I agree.

20 MR. CHAIKA. I have no objection, it is
21 just wasting time. Can we do that at a subsequent time?

22 MR. PICCIRILLI. I'd ask that the notes
23 be marked now and held by the stenographer and then returned
24 to the witness.

x

1 THE PRESIDENT. Councilman Stravato, you
2 had the floor.

3 MR. PICCIRILLI. May I ask the Chair to
4 have the notes marked by the stenographer, and give them
5 back to the witness.

6 THE PRESIDENT. No objection. Defend-
7 ant's Exhibit A, I presume.

8 MR. CHAIKA. That's not my exhibit, that
9 would have to be the Council's Exhibit.

10 MR. PICCIRILLI. Petitioner's Exhibit
11 Number 7 I believe then. You may mark it Petitioner's Ex-
12 hibit 7.

13 MR. CHAIKA. I don't see where Mr. Pic-
14 cirilli has the right to give the Council permission to do
15 anything in this matter.

16 THE PRESIDENT. We have to mark it some-
17 thing. What do you agree on? A, B, C, or D?

18 MR. CHAIKA. I think it is the Council's
19 exhibit.

20 MR. ROTONDI. It is an exhibit by the
21 petitioner, there is no objection.

22 MR. CHAIKA. I have no objection to its
23 admissibility, but I do have objection to that being his
24 exhibit.

1 MR. ROTONDI. Right now it is his wit-
2 ness.

3 MR. CHAIKA. No, it isn't. The question-
4 er at the present time is Councilman Stravato's witness.

5 MR. PICCIRILLI. It is still my witness,
6 I called him.

7 MR. CHAIKA. I'll abide by your ruling.

8 (CITY EXHIBIT 7 MARKED)

9 MR. STRAVATO. Mr. President, now that
10 it is presented as an exhibit, whatever the number might
11 be, or whosever exhibit it might be, I request Mr. Cesaro
12 read it in its entirety.

13 MR. PICCIRILLI. No objection.

14 THE PRESIDENT. Okay. And we will re-
15 main quiet to give Mr. Cesaro the opportunity to read it
16 so we can all hear it.

17 A. ...On November 13, 1980, I did receive a letter from
18 Mr. Mancone requesting the following information: One,
19 quantity of sand and salt presently on hand; two, anticipat-
20 ed quantity needed for snow removal this season; three, re-
21 moval contracts presently negotiated and additional expected
22 to be negotiated. On receipt of this letter, I turned it
23 over to my Deputy Director to assess the required volumes
24 of sand and salt on hand at our Troy Street location, and

1 also told my office administrator to furnish me with quan-
2 tities of sand and salt we covered last year and this year
3 and quantities of both consumed last year, which he fur-
4 nished to me. However, I was still waiting for the re-
5 maining information requested from Mr. Lembo. Item Two,
6 could not be determined in the letter dated November 13,
7 which was anticipated quantity needed for snow removal this
8 season. Since there is no way of predicting how severe a
9 snow season we will be faced with this year, I received a
10 letter, Item Number Three, I received a letter dated Novem-
11 ber 14, 1980, a Friday at 3:05 on that day, which requested
12 additional items of information to be supplied to his office
13 by Monday, November 17, 1980, by 4:30. On November 17, 1980
14 at 4:15, I was in receipt of a phone call by the Mayor's
15 secretary asking if the requested information outlined in
16 the letter dated November 14, 1980, would be delivered by
17 4:30. I informed the Mayor's secretary we had all the in-
18 formation requested in the November 14, 1980 letter ready,
19 with the exception of the volumes of sand and salt in our
20 Troy Street location that will complete the information re-
21 quested. I told her the complete information would be in
22 their office by the next morning. At this point and time,
23 I discussed it with Mr. Lembo, and he said he would check
24 it on his way home that day so that we could have the complete

1 information requested by the next morning.

2 Now, I want you people all attest to the fact that
3 this occurred on Monday at approximately 4:25, just previous
4 to the snowstorm.

5 For the record, Item Number Three, the November 13,
6 1980 letter regarding snow removal contracts negotiated and
7 remained to be negotiated and signed. The key man, Peter
8 Cannellas, was laid off. That was his responsibility for
9 getting the contracts signed and if he was not laid off,
10 all the contracts would have been signed. Since his layoff,
11 my secretary continued to call the remaining contractors
12 and requested them to come in and sign their contracts. On
13 November 17, 1980, I distributed some of the contracts to
14 be signed to Mr. Lembo -- that by the way is in the morning,
15 and I personally went out to many of these contractors who
16 were willing and available to sign contracts. At the con-
17 clusion of that, I made my appearance, I was in the Board
18 of Contract and Review meeting Monday afternoon, November
19 17, 1980 at City Hall from 2:00 P.M. to 4:00 P.M., approxi-
20 mately 4:00 P.M., and returned to my office at approximately
21 4:10 P.M. When I returned, no messages to call the Mayor
22 was left with my secretary, and then I referred you to
23 "See Item Number Three," the call that came in from the
24 Mayor's office, at 4:15 requesting whether or not that

1 information would be in to his office. I kindly relate that
2 the Mayor was seemingly having difficulty in understanding
3 where my whereabouts was.

4 MR. PICCIRILLI. I object, I believe
5 that's not part of the statement that he's reading. I
6 think the witness is paraphrasing the statement. I don't
7 recall reading that on the statement.

8 THE WITNESS. No, it is not.

9 MR. PICCIRILLI. May I ask the witness
10 to merely read the statement as he was requested to do.

11 THE PRESIDENT. Sustained. Cross it
12 off the record.

13 A. ...In response to the call, in response to the call
14 at 10:15 P.M. --

15 MR. PICCIRILLI. May I object, he has
16 skipped a portion of that record. The last thing I have
17 in reading is what occurred at 4:10 P.M. There is a gap
18 from 4:10 P.M. to 4:15 P.M. I wish the notes to read what
19 happened between that time.

20 THE PRESIDENT. From 4:15?

21 MR. PICCIRILLI. That's correct.

22 A. Yes, I related that we left the office at 4:25, I re-
23 lated --

24 MR. PICCIRILLI. Just read it. Don't

1 look at me. Just read it.

2 THE WITNESS. Mr. Piccirilli, I'm try-
3 ing to establish everything between four as requested by
4 the Councilman, until the following day when I was suspend-
5 ed. Is that the request?

6 MR. PICCIRILLI. This is a different
7 thing. You have been asked to read your statement, you
8 answer the questions later, at this point you have been
9 asked to read your statement verbatim.

10 THE PRESIDENT. Sustained, read every
11 word, word for word in the statement.

12 MR. MOISE. Mr. President, point of in-
13 formation, if this gentleman made notes and the notes are
14 not complete sentences or complete information for the
15 record, I think it is detrimental for the record.

16 THE PRESIDENT. We established something,
17 he has to read word for word this statement. We established
18 that. He will expound later.

19 MR. MOISE. I question that. If that
20 man made notes that are not in complete thoughts, he's
21 under oath, he's making a statement honestly for that
22 dictator there -- excuse me, whatever you call her.

23 MR. PICCIRILLI. May I have that read
24

1 back, please.

2 MR. STRAVATO. I have the floor. He is
3 answering my question. I think it is unfair that if he has
4 got notes with gaps in between, that he reads a note that's
5 unfinished for us.

6 THE PRESIDENT. No, it is not unfair.
7 We established he should read this statement word for word.

8 MR. STRAVATO. I disagree with your rul-
9 ing, I ask for a ruling from the body. I disagree with
10 that ruling because if he has a note with a gap where he
11 has to relate to --

12 THE PRESIDENT. We decided on something,
13 we should stick by it.

14 MR. PICCIRILLI. I have no objection to
15 the witness later adding something, but at this point he
16 was asked by direction of Council to read his statement.

17 MR. ROTONDI. Expand on it at a later
18 time.

19 THE PRESIDENT. That's what we establish-
20 ed, I thought we established that ruling. Unless you want
21 to change the ruling again.

22 MR. STRAVATO. What I am saying, if he
23 has a brief note that's going to make only sense to him,
24 it's not going to make sense to us.

1 THE PRESIDENT. He can elaborate after.
2 That's what we agreed upon, unless you want to take a vote
3 and change the ruling again.

4 MR. STRAVATO. That's what I said, I
5 disagree with the ruling, I want him to be able to elabor-
6 ate in between.

7 MR. CHAIKA. Just read it.

8 THE PRESIDENT. Clem Cesaro's attorney
9 agreed to what we established, and I think it is fair to
10 the attorney and it is fair to Mr. Cesaro to continue the
11 way he's continuing, until later. Right, counselor?

12 MR. CHAIKA. Yes, I believe so, if Mr.
13 Cesaro at the end feels he has to add something, or clarify,
14 he can certainly do that. You're the Chair and you can
15 allow it.

16 THE PRESIDENT. Councilman Easton.

17 MR. EASTON. I really don't care frankly
18 if Mr. Chaika and Mr. Piccirilli agree on the thing, and
19 that's the whole point we've been arguing here for now about
20 a week and one day. The whole point of the rule change
21 which we have heard all kinds of vitriolics spread around
22 about how we were anxious to suppress the whole process of
23 due process here. The whole point of the rules change was
24 it seemed reasonable to a number of us that the best way to

1 get the truth out here would be to allow one side to say
2 what it had to say, to allow another side to say what they
3 had to say and not get a lot of lawyers wrangling about
4 rules or whatever. The Council would like to hear what
5 happened in Mr. Cesaro's words, in the Mayor's words, and in
6 the words of any other relevant witnesses that have to ap-
7 pear before this Committee. In the meantime, all this
8 rambling and all this haggling about rules, to me is a lot
9 of baloney. We're anxious to have one side tell their
10 story and the other side tell their story, I'm tired of
11 Mr. Piccirilli -- I'm tired of Mr. Piccirilli making legal
12 maneuverings in an attempt to drag this hearing out. We
13 have an obligation to this city. Right now there are cam-
14 eras outside the City Hall anxious to know whether or not
15 people are going to get their garbage picked up, whether
16 or not the city is going to function, whether or not the
17 city is going bankrupt tomorrow, and instead we are playing
18 legal games. What people want to know what Mr. Cesaro did
19 what did the Mayor do, did he have a just cause to do it or
20 didn't he and after we hear that, we can vote the issue.
21 All this legal maneuvering to me is a lot of baloney. I'm
22 sick of it.

23 MR. PICCIRILLI. I'm trying to have the
24 Council comply with the rulings it established. This

1 Council, and you were sitting here, agreed Mr. Cesaro should
2 read his statement. I don't think it is fair to the Council
3 to have something read which is not written down, and that's
4 all I ask the witness to do is to read what he wrote.

5 MR. EASTON. Mr. Piccirilli, I disagree
6 completely. I think you're trying to maneuver him. If Mr.
7 Cesaro has something to say, he should say it. I'm confi-
8 dent that he's anxious, that he's able to say it in his
9 own words.

10 THE PRESIDENT. The Council will take a
11 five-minute break.

12 (BRIEF RECESS)

13 THE PRESIDENT. Council come to order.
14 Clerk, call the roll. Quiet in the audience.

15 ROLL CALL: President Fagnoli: Here.
16 Mr. Addison: Here.
17 Mr. Almagno: Here.
18 Mr. Boyle: Here.
19 Ms. Brassil: Here.
20 Mr. Cirelli: Absent.
21 Mr. Cola: Absent.
22 Mr. Dillon: Here.
23 Mr. Easton: Here.
24 Mr. Farmer: Here.
Mr. Flynn: Here.
Mr. Glavin: Here.
Mr. Griffin: Absent.
Mr. Johnson: Absent.
Mr. Lynch: Absent.
Mr. Mansolillo: Here.
Mr. Moise: Here.
Mr. O'Connor: Here.
Mr. Paolino: Here.

1 Mr. Pearlman: Here.
2 Mr. Pennine: Here.
3 Mr. Petrosinelli: Here.
4 Mr. Salvatore: Here.
5 Mr. Snowden: Here.
6 Mr. Stravato: Here.
7 Mr. Xavier: Absent.

8 THE PRESIDENT. Twenty present and six
9 absent. We have a quorum.

10 Mr. Cesaro would like to say something.

11 THE WITNESS. I'm going to continue to
12 read this to satisfy Mr. Piccirilli, but I am also going
13 to fill in the gaps because I think the Council is here to
14 know all the facts and I am going to fill in the facts
15 whether Mr. Piccirilli wants me to or not.

16 MR. MANSOLILLO. Mr. President, Mr.
17 President, I know that the Chair has ruled that Mr. Cesaro
18 read the statement as it is before him, and you know, it is
19 a good tactic for Mr. Cesaro to use to say Mr. Piccirilli
20 wants him to do that, but the Chair has asked him to do
21 that. I don't know where the confusion comes in. I would
22 expect that any variance in the Chair's ruling in this
23 matter would be something that only this body could contra-
24 vene. So, I expect that in light of your ruling, that the
proceeding will continue along the lines that you have pre-
viously established, that is that Mr. Cesaro will read from
the statement. If the Chair's ruling is challenged, again

1 a midstream challenge, is obviously coming since Council-
2 man Stravato and Councilman Easton and Councilman Moise
3 have arisen, and since Mr. Cesaro has already indicated
4 that he is going to do what he wants in any event, you
5 know, I think that if I were the Chair, I would not allow it
6 to happen.

7 MR. MOISE. Mr. President.

8 THE PRESIDENT. Mr. Cesaro would like to
9 clarify something.

10 MR. MOISE. We are going to get copies
11 of this.

12 THE PRESIDENT. Mr. Cesaro would like
13 to clarify something, please.

14 THE WITNESS. I intend to read on, with
15 no further interruptions, I hope, and at the conclusion,
16 I will fill in the gaps I feel that are lacking in this
17 presentation.

18 THE PRESIDENT. Yes.

19 MR. MOISE. Mr. President, thank you,
20 Mr. President, since Mr. Piccirilli said we are all going to
21 get copies of that said document that he's reading from, we
22 are going to have copies for us, right. What's the dif-
23 ference if he fills in the gaps, we are going to have the
24 copies anyway, and the copies are going to be passed out.

1 He asked that copies be made, we got copies from the Mayor,
2 the Mayor didn't read all his, but he just went on to read
3 questions.

4 THE PRESIDENT. His wish is to read word
5 for word and fill in the gaps after. If we will be a little
6 quiet, he will finish this and then fill in the gaps and
7 you can ask any questions you want. He's more than glad to
8 answer.

9 MR. STRAVATO. Mr. President, you allowed
10 Mr. Cesaro to make a statement and he stated what he'd like
11 to do and I would like for you -- now we are changing it
12 back and forth -- I would like for you to make a ruling on
13 what he stated. I would rather see him answer my question
14 by filling in the gaps as he goes along.

15 MR. MOISE. That's his question.

16 THE PRESIDENT. A member of the body has
17 to make the ruling. I can't make it.

18 MR. STRAVATO. You are judge and jury,
19 you're the presiding officer.

20 MR. MOISE. I make a motion since it is
21 Councilman Stravato's question that it be answered, because
22 all this took effect after he asked the question, and I
23 think his question has the prerogative of being answered
24 first.

1 MR. ROTONDI. The rule of the Chair is,
2 as we sit here, he read it word for word. He cannot change
3 his ruling based on Mr. Cesaro's request.

4 MR. STRAVATO. That's what you are say-
5 ing, you said -- the President, if I understood him correctly
6 said when after we took the roll call that Mr. Cesaro wanted
7 to make a statement.

8 THE PRESIDENT. Yes.

9 MR. STRAVATO. And Mr. Cesaro's state-
10 ment was that he wanted to read his transcript, whatever
11 he has before him, and fill in the gaps as he goes along.

12 MR. ROTONDI. That's contradictory to
13 what the Chair has overruled.

14 MR. STRAVATO. That's what he said, so I
15 would like you to rule on that and ask him to proceed in
16 that fashion.

17 MR. ROTONDI. It has got to be a motion.

18 MR. STRAVATO. I put that in the form
19 of a motion.

20 MR. PETROSINELLI. Second the motion.

21 THE PRESIDENT. Motion made and seconded.
22 Mr. Cesaro would fill in the gap as he goes along, all in
23 favor?

24 (VOICE VOTE)

1 THE PRESIDENT. No?

2 (VOICE VOTE)

3 THE PRESIDENT. The No's have it.

4 MR. MOISE. I ask a roll call vote.

5 THE PRESIDENT. Roll call vote.

6 MR. STRAVATO. The no's were a little
7 louder, that's all. Roll call vote.

8 MR. GLAVIN. Debate on the motion.

9 MR. STRAVATO. There's a motion on the
10 floor.

11 MR. GLAVIN. I can debate the motion,
12 it is in order. Let me tell you something right now, we
13 have got a lot of people here, most of them are city work-
14 ers, and once again, this Council has shown how immature
15 it can be. This whole hearing is a total sham. We all
16 know it. We are all sitting here like a bunch of dummies.
17 We know the way the political lines are drawn. Why do we
18 subject this man to this? It's not fair. Why do we sub-
19 ject ourselves to this nonsense. This is a waste of my
20 time and every one of your time who is here tonight. This
21 is ridiculous. Whenever it is politically expedient to
22 change the rules, you do it. His life is in the balance
23 here, his career, and yet all we are doing is playing
24

1 ping pong games like I stated earlier. Why don't we grow
2 up. We can't do it because we are in Providence and poli-
3 tics always prevails.

4 This is a complete and utter disgrace and it is no
5 wonder when you go in a cafe or coffee shop in this city,
6 people laugh at you if you are a City Council member.
7 Many of us try to do the right thing and many of us try to
8 sit here and object a voice, but you can't, because the
9 powers to be can pull their strings and get the people to
10 do what they want when they want. Well, let me tell you,
11 I've had it. You can all think what you think about me,
12 I don't care, because this is nonsense, this is ridiculous,
13 it is the most unfair thing I have ever seen. If I was
14 Mr. Cesaro, I wouldn't stay here, because he is the one
15 who is going to be the loser no matter what happens, because
16 whatever decision we make, is going to be subject to the
17 people of Providence, because they know what's going on
18 here, and what is is ridiculous.

19 (MR. GLAVIN LEFT ROOM)

20 THE PRESIDENT. Can we ask for quiet
21 please. We have a motion on the floor and Councilman re-
22 quested a roll call vote. If you are in favor of the
23 motion, you say Aye; against the motion you say no. Re-
24 peat the motion.

1 THE CLERK. The motion is to vote Aye if
2 you are going to allow Mr. Cesaro to read his statement and
3 fill in the gaps as he goes along, if you vote Aye.

4 ROLL CALL: President Fargnoli: No.
5 Mr. Addison: Aye.
6 Mr. Amalno: No.
7 Mr. Boyle: Aye.
8 Ms. Brassil: Aye.
9 Mr. Cirelli: Absent.
10 Mr. Cola: Absent.
11 Mr. Dillon: Aye.
12 Mr. Easton: Aye.
13 Mr. Farmer: No.
14 Mr. Flynn: Aye.
15 Mr. Glavin: Absent.
16 Mr. Griffin: Absent.
17 Mr. Johnson: Absent.
18 Mr. Lynch: Absent.
19 Mr. Mansolillo: No.
20 Mr. Moise: Aye.
21 Mr. O'Connor: Aye.
22 Mr. Paolino: Aye.
23 Mr. Pearlman: No.
24 Mr. Pennine: Not voting.
Mr. Petrosinelli: Aye.
Mr. Salvatore: Aye.
Mr. Snowden: Not voting.
Mr. Stravato: Aye.
Mr. Xavier: Absent.

THE PRESIDENT. Twelve Ayes, five no's,
two not voting, seven absent, the Ayes have it.

(MOTION PASSED)

A. ...When I returned, no messages to call the Mayor was
left with my secretary, and I refer to Item Three which
clearly indicates that a call came in from the Mayor's of-
fice at 4:15 wondering whether or not I was going to have

1 the information in to him on time. At that particular
2 time, I sat down with Mr. Lembo and informed him of the
3 importance of having that information to try and get the
4 information in to the Mayor's office that was requested,
5 and he said, before he left that office, and we were there
6 until about 4:45, he told me and promised me that he would
7 go to the Troy Street location, and determine the volume
8 and would call me at home and give me that information so
9 that I would know at home what the volumes were, and on
10 the following morning he was supposed to complete the re-
11 port of the Mayor's office. I want you people to realize
12 that this was Monday evening at 4:45, or Monday afternoon
13 at 4:45, which concluded our day, and then I went home at
14 that particular point and that concluded my day at the
15 office.

16 There's a question in response to a call that was
17 placed to my house by the Mayor. In response to the call
18 at 10:15 P.M., made at my home and the message left with
19 my wife, I did not receive this message until approximately
20 10:00 the following morning, after being in receipt of my
21 suspension given to me in a telephone conversation with
22 the Mayor at approximately 4:15 on November 18, 1980. His
23 information that he asserted was also incorrect. The fol-
24 lowing personnel was present when I arrived between 12:30

1 and 1:00.

2 At that time at 1:00 A.M., November 18, 1980, I was
3 talking with my night foreman, my general foreman, and
4 during our conversation, no mention of any order to call
5 the Mayor was brought to my attention. Therefore, I cannot
6 be accused of disregarding an order to call the Mayor im-
7 mediately. At 1:00, my general foreman, Michael Acetta,
8 informed me that we had two foremen which were present,
9 two operators, two mechanics, and Guy Zanni in charge of
10 the roller shed. This was the personnel available with
11 the exception of the dispatcher who was, I believe, Peter
12 Bowie. The heavy equipment operator for the night shift,
13 I was told, called in sick, who operated the loader.
14 Another heavy equipment operator, Ernest Lema, was also out
15 sick, I was told, with a massive heart attack and calls were
16 made to get other heavy equipment operators with no success.
17 Another was on vacation and five were laid off. At this
18 point, we had no heavy equipment operators to load the
19 trucks. I also asked where Mr. Dambrosco and Mr. D'Amico
20 were, and Mr. Acetta said they called him and when they
21 were unsuccessful he went to the house and got no response.
22 He also called Mr. D'Amico with no success. Mr. Dambrosco
23 and Mr. Cannellas are in charge of the snow removal effort
24 and have the names and the telephone numbers of all the

1 snow removal contractors and the city personnel attached
2 to this operation. However, Mr. Cannellas, who was so es-
3 sential to the snow removal, was laid off once again, Mon-
4 day, November 17, also by the way he was laid off Monday
5 morning. The storm as you recall, started supposedly around
6 10 -- the snow started coming down somewhere in the vicinity
7 of 10:00, 10:10, on Monday evening. Of the four city-owned
8 trucks available, two of these trucks were ten-wheel Macks,
9 which require a heavy equipment operator and a laborer to
10 operate these trucks, and the other trucks require an
11 operator and a laborer to operate. The two mechanics were
12 in the process of getting one more truck ready. However,
13 we had no heavy equipment operator to load the trucks. And
14 the names of the rental equipment contractors were also in
15 the possession of Mr. Dambrosco. The claim that I did not
16 attempt to order the trucks and men on the road, is an ab-
17 solute distortion. I discussed this immediately when I
18 arrived between 12:30 and 1:00, of the possibility of put-
19 ting into service any trucks that were already equipped
20 with the sanding and salt-spreading equipment. This I
21 discussed with my general foreman, and foremens, and the
22 final conclusions were as follows: The two key personnel
23 in charge of the snow operations were not available. One
24 of them, of course, was laid off, who was Peter Cannellas.

1 The other I quite clearly told you that there were attempts
2 to reach him, but they were not successful. Mr. Acetta
3 stated he placed the telephone calls to Mr. Dambrosco and
4 he got no answer, and when he was unsuccessful, he proceeded
5 to go to his home and was unsuccessful again. The other
6 key man was Peter Cannellas, once again I mentioned, who
7 also coordinated the snow removal operation, was laid off
8 by the Mayor Monday morning, November 17, 1980.

9 The responsibility of these two key men was as fol-
10 lows: Gentlemen, this is the procedure I told you that is
11 set up for the snow operation in the City of Providence
12 that has been pursued for the past 13 years. The respon-
13 sibilities of these two key men were as follows: Upon a
14 call from the dispatcher of an approaching storm, or visual
15 signs of one, they are to immediately report to the yard.
16 Gentlemen, what I'm saying in essence here is the dispatch-
17 er has been informed, either by the Hurricane Barrier, who
18 has the teletype system and has a constant report coming in
19 on any storm that's approaching. He then informs the dis-
20 patcher that the dispatcher at that point is the triggering
21 mechanism that contacts Mr. Ernest Dambrosco and Mr. Peter
22 Cannellas, who are in charge of the snow removal effort,
23 or in addition to that, in the event he doesn't get any
24 kind of a snow report, but he physically visually sees snow

1 coming down, he then also triggers the mechanism and calls
2 and contacts Mr. Ernest Dambrosco and Mr. Peter Cannellas.

3 On receipt of this call, they are to contact -- I am
4 talking now once again on receipt of the call from the dis-
5 patcher, Mr. Dambrosco, and Mr. Cannellas, are to contact
6 the wagon master, Mr. D'Amico, who is the steward also,
7 and Mr. Guy Zanni, who is in charge of all the mechanics
8 in the entire roller shed operations. Mr. Cannellas also
9 was contacted by either Mr. Dambrosco or the dispatcher,
10 as a double reassurance, that he is called, and Mr. Acetta,
11 the General Foreman, is then called and told to come in im-
12 mediately. On their arrival on the job, they immediately
13 call in the necessary city personnel to operate our equip-
14 ment. They also call possible sanding and salting rental
15 contractors to place them on possible standby in the event
16 that they are required to be called into service. On com-
17 pletion, they call the Director and assess him of their
18 status, and the Director then comes to the job immediately
19 and helps make decisions on all the operations.

20 So since Mr. Dambrosco and Mr. Cannellas were not
21 available, and has an end product the list of city person-
22 nel and renting equipment contractors and the names of
23 their men that are to be called, and their telephone numbers,
24 we were handicapped to contact these contractors for their

1 services. We were also faced -- we had two ten-wheel Mack
2 trucks that were equipped with sanding and salting spreaders,
3 that each required a heavy equipment operator and laborer
4 to operate. We had two other five to eight-ton trucks which
5 require each an operator and a laborer to operate. However,
6 we could not put the two trucks into service because we did
7 not have a heavy equipment operator.

8 Now, ladies and gentlemen, I am making reference to
9 the two Mack trucks, the heavy Mack trucks that, by union
10 requirement, require a heavy equipment operator, so without
11 a heavy equipment operator that truck cannot be pushed into
12 service. That left us with two remaining trucks. We did
13 have the operators and we did have the laborers that are
14 required to man those trucks. However, we did not have,
15 once again, any heavy equipment operator that would perform
16 the responsibilities to load these trucks. At this time, I
17 asked the night foremens to come with me -- I hope I don't
18 confuse anybody on that issue -- we had two trucks that
19 could go out. We had the two men, the two operators to
20 drive those trucks and the two laborers would go along with
21 the truck drivers. However once again, there was no ulti-
22 mate purpose in sending two trucks out to pass out air when
23 their intended purpose was to spread sand and salt and we
24 did not have the heavy equipment operator that would load

1 these two trucks.

2 At this time, I asked the night foremens to come with
3 me, to survey the city and evaluate our present road con-
4 ditions, and also our most current weather forecast. We
5 went to the Hurricane Barrier to read the most recent weath-
6 er conditions on our teletype machine. I saw and discussed,
7 by the way, with the gentleman that was on duty, that the
8 temperature was 34 previously, and at the time we were there
9 at the Hurricane Barrier, the temperature was 37 degrees,
10 clearly indicating that the temperatures were on the rise
11 and did not pose any freezing problem.

12 MR. DILLON. Excuse me, Mr. President.

13 A. ...And also saw the predictions on the teletype sys-
14 tem that the snow would be changing to rain and later
15 stopping. We then proceeded to check the road conditions
16 in the city: the bridge areas, hills, and main arteries.
17 At the completion of the evaluation we returned to the
18 roller shed and I let the men out and later went home to
19 change my wet gear, my wet stockings, etcetera.

20 MR. DILLON. Excuse me, could you tell us
21 the names, you say the night foremen, I think it would be
22 helpful.

23 A. ...Okay, the gentleman that came with me in the car to
24 survey the city were two foremens, Mr. Anthony DelSanto,

1 Mr. Joseph McLaughlin, Mr. Victorio, I'm going to tell you
2 that a little further along, and myself. The four of us
3 went out to survey the road conditions in the City of Provi-
4 dence and also went to the Hurricane Barrier to see what
5 problems we were confronted with as far as the weather con-
6 ditions. I repeat, I went home to change my wet stockings,
7 etcetera. During the time I was at home at about 3:25,
8 Michael Acetta called me from the roller shed and spoke to
9 me, and while we were talking, Mr. Zanni had a call on the
10 other phone and told Mr. Acetta, the Mayor was trying to get
11 in on the line, and an emergency operator interrupted and
12 said to end our conversation. We both then ended our con-
13 versation to permit the call to go through. I then com-
14 pleted what I had to do and then went back to the job at
15 about 3:45. Now, gentlemen, during that time, I was not
16 in receipt of any call from the Mayor's office. I went to
17 the city again and radioed in to the dispatcher telling him
18 I would be back in the garage in about five minutes, which
19 was about 4:00 in the morning. When I arrived back at the
20 garage, I was talking to my men, and my foreman, Joseph
21 McLaughlin, was telling me that Mr. DelSanto went home sick
22 and that the Mayor had called him and threatened to fire
23 him because the equipment did not go out.

24 Shortly after, at about 4:15, I received a call from

1 the Mayor during my discussions with my men, and at no time
2 was I told to call the Mayor by anyone present. At this
3 time, he asked me about the snow removal plan he had re-
4 quested at the time, and at that time, I was wondering why
5 he was asking me this question and, by the way, gentlemen,
6 in the background was all the confusion of all the men in
7 the controversy, and I was wondering why he was asking me
8 this question and what his reason for asking me this ques-
9 tion when I had explained and answered this question when
10 I spoke to his secretary at 4:15 on November 17, 1980. He
11 then asked me if the sanders were out and I attempted to
12 inform him of our condition and problem, that we had no
13 heavy equipment operator to load the trucks at the time and
14 he was very abrupt and did not afford me the opportunity to
15 offer him a reasonable explanation. He then said, I was
16 suspended and terminated from my job as the Director of
17 Public Works. I then replied, he could suspend me but not
18 terminate me; however, for him to take any steps, he felt
19 necessary.

20 After the rescinding of layoffs on Friday, November 14,
21 1980, by the Arbitrator, I then felt we definitely had to
22 complete preparing our trucks with sanding equipment in the
23 event of a storm. Now, ladies and gentlemen, this was on
24 November 14, before there was any forecast of any storm

1 approaching. I felt that when they rescinded the layoffs
2 that I immediately, as the Director, had a responsibility
3 to make every effort to get the necessary personnel in to
4 put the sanding equipment on these trucks in the eventuality
5 of any up and coming snowstorm. I told my foreman, Mr. Guy
6 Zanni, to call in three mechanics to complete the prepara-
7 tion and mounting of the necessary sanding equipment.

8 Later, Mr. Zanni called me and said he received a call from
9 the Mayor's office telling him not to call in the three
10 mechanics and if he did, they would not get paid. That
11 only 48-hour people that normally work on a Saturday could
12 be permitted to come in. Ladies and gentlemen, all the
13 mechanics are 40-hour men and I have stated for the record
14 on numerous occasions that I had to pay overtime two mechan-
15 ics at least a half a day, on a Saturday, even though they
16 are 40-hour men, to reassure ourselves that all the trucks
17 and equipment were ready to roll on the Monday morning so
18 that the men that operated those pieces of equipment and
19 put them into service could do so and wouldn't be standing
20 around the garage for the mechanics to perform the neces-
21 sary repairs to put them in service on a Monday morning;
22 so I have stated for the record, time and time again, that
23 I felt that we had to have these mechanics in at least a
24 half-day to keep our fleet in operation for Monday morning.

x

1 I also permit them to work Saturday mornings a half-day to
2 insure all the trucks and equipment on the day are repaired,
3 that's just what I told you, so Monday morning they are
4 ready to be placed into service. I gave the order to also
5 work Saturday and Sunday. Ladies and gentlemen, I attempted
6 to call in these three mechanics, realizing that we had a
7 major problem in the event of a snowstorm, and as the record
8 shows, they refused to permit these men to come in. And I
9 said, very clearly, I gave orders to come in and work Sat-
10 urday and Sunday, because I fully realized that we were so
11 far behind and we were very close to a snowstorm period,
12 and I felt that I fulfilled my obligation to request that
13 these men be put into service, be given the overtime, to
14 insure ourselves in the event of a snowstorm that we had
15 this equipment ready to go with the sanding and salting
16 operation so direly needed which the facts will prove we
17 only had four ready and we had a fleet of 50 trucks that
18 were capable of being mounted with the spreading equipment.

19 Now, ladies and gentlemen, let me go a step further,
20 let me give you the facts as they really are. The Mayor
21 in his last comments publicly, for the record, clearly
22 stated that my first suspension was political. I ask all
23 you intelligent people to evaluate at this present time
24 the following circumstances that I am going to present to

1 you as intelligent people to evalute. When Local 1033,
2 previous to the Gubernatorial election, the Mayor made a
3 request for Local 1033, as you all know, to support him in
4 his Gubernatorial campaign. The record clearly shows that
5 Local 1033 did not give the support to the Mayor in his
6 Gubernatorial quest. For the record, it is quite obvious
7 that the Mayor was very upset about this.

8 THE PRESIDENT. He is out of order.

9 MR. ALMAGNO. I think he is out of order.

10 THE PRESIDENT. This is not the question,
11 whether the union supported the Mayor or not.

12 MR. ALMAGNO. The Mayor is not on trial
13 here.

14 MR. EASTON. Mr. President, if Mr. Cesaro
15 wishes to offer some comments along this line, I think it
16 might be enlightening, and as the result of which I will
17 now ask the question; Mr. Cesaro, what is the reason that
18 you feel behind the problems involving your firing.

19 MR. PICCIRILLI. May I respectfully ob-
20 ject. I thought the rules that the Council had established
21 was that the Councilmen would question witnesses concerning
22 the events of November 17 and 18. Now, I may be wrong, per-
23 haps the rules changed in my absence, but I thought that
24 was the extent of the input.

1 MR. EASTON. Mr. Piccirilli has a lot
2 of gall. He just a few minutes ago brought up some con-
3 versation in a dinner two weeks after the events and we
4 went through this whole long thing about it, and now I'm
5 asking a very germane question as to what he thinks were
6 the elements that resulted in this suspension, which is
7 perfectly relevant to the issue and Mr. Piccirilli is ob-
8 jecting, I can't believe it. My question to Mr. Cesaro and
9 the President recognized me, was what do you think are the
10 reasons leading up to your dismissal. Please allow him to
11 answer the question. Thank you.

12 MR. PICCIRILLI. May I?

13 THE PRESIDENT. We have one question on
14 the floor.

15 MR. PICCIRILLI. May I respectfully re-
16 spond?

17 MR. SNOWDEN. Mr. President, I wanted to
18 ask whether Mr. Cesaro is finished --

19 MR. STRAVATO. He is answering my ques-
20 tion, I still have two more questions, when he's finished,
21 that I want to ask him.

22 MR. PICCIRILLI. Mr. President --

23 THE WITNESS. I'm still not finished.

24 MR. PICCIRILLI. I'd still like a ruling

1 on this.

2 THE PRESIDENT. I will rule this: He
3 is answering Councilman Stravato's question, and Mr. Cesaro
4 stated he's not through with it, through answering his ques-
5 tion. So will you continue before we go into any other
6 questions this evening.

7 A. ...I'm trying to create the entire picture for your
8 consideration this evening and all the circumstances sur-
9 rounding it, so that when you make your decision, you make
10 your decision, but I want the facts known for your evalua-
11 tion. I am not trying to influence you, I am just giving
12 you the facts that led up to the situation that I was put
13 in for suspension, and I feel that these facts are all im-
14 portant facts to be considered. Now, I will go on. Local
15 1033 did not give the Mayor the support and as an end prod-
16 uct, it's logical to assume -- Mr. Piccirilli, I'm speaking
17 if you don't mind.

18 THE PRESIDENT. You are out of order.

19 MR. ALMAGNO. Mr. President, what has
20 1033 got to do with this?

21 MR. PICCIRILLI. Mr. President, I just
22 merely stood, I did not interrupt. May I be heard?

23 MR. ALMAGNO. What has it got to do --

24 MR. MOISE. Do his workers work for 1033?

1 THE WITNESS. Absolutely. Are they part
2 of my work force?

3 MR. MOISE. That's it.

4 MR. MANSOLILLO. Indeed that's revealing,
5 the Public Works Director believes the Public Works workers
6 work for 1033; a very revealing statement I might say, the
7 people of the City of Providence employ those workers, not
8 1033, Mr. Cesaro.

9 THE WITNESS. We certainly know who
10 employes these employees on the payroll, but we are also
11 knowledgeable of the fact that they are members of the
12 Local 1033, aren't they?

13 MR. MANSOLILLO. They certainly are, but
14 when you say they work for them, it makes a hell of a lot
15 of difference.

16 MR. SNOWDEN. I would ask that the wit-
17 ness proceed under your guidelines, that he is out of order.
18 A. ...Now, as an end product, the circumstances emphasized
19 with today is pure and simple. Was this situation a plan,
20 an ultimate plan, set up as a political move to remove me
21 from office, and the answer is pure and simple, yes once
22 again, and it is quite obvious. Now since Local 1033 had
23 their confrontation going on with the Mayor, there was --
24 I am going to relate back to a situation regarding the

1 garbage trucks, which is very important to this hearing --

2 MR. PICCIRILLI. Mr. President, I do
3 protest.

4 MR. STRAVATO. Let him continue.

5 MR. MANSOLILLO. I protest also, and I'd
6 like to rise on a point of order. If Mr. Cesaro is answer-
7 ing questions pursuant to his statement, elaborative of his
8 statements, expanding on it in terms of events and sequence,
9 etcetera, that's one thing. To comment on it as it relates
10 to other events surrounding it, is strictly out of order,
11 number one. Number Two, if he decides he must have this
12 out, all right, whatever he wants to say, I would suggest
13 that he consult with his attorney, and have him ask him the
14 questions that he wants to give us answers to on the record.
15 Otherwise we're going to be here with him commenting ex-
16 temporaneously, ad infinitum. And you know, Councilman
17 Stravato has used the guise of having asked him a question,
18 and certainly we as puppies have gone along with the fact
19 because we want to know what is happening, or what did hap-
20 pen, but for other events, I mean he's starting to editoria-
21 lize now, so I would suggest Mr. Chaika, or Councilman,
22 after Mr. Cesaro began to answer the question, I got up, I
23 asked you the question, either do that with your buddies,
24 or have Mr. Chaika ask the questions that you want to give

1 us answers to. Otherwise you are violating the whole in-
2 quiry process here, and getting on to things that at best,
3 at best, you are going to have a heck of a time getting
4 back to making them germane to what you are saying and
5 what you have just testified to. So all I am saying is
6 that, you know, let's not lose so much order that all you
7 are doing up there is talking about things you're not even
8 asked about. You have been asked about the event of that
9 evening from 4:00 on, or around there; that's fine, but as
10 it regards Local 1033 or Local 271, or whatever it might
11 be, that is ingermane to the discussion here, unless you
12 are asked that question, it is not part of that. So, if
13 you feel there is a need to bring out certain things be-
14 cause you feel as though they are germane, I think that
15 your attorney ought to be putting those questions to you so
16 that the facts can be brought forth. Otherwise, your
17 answers will go on forever, because you know, tell us
18 about, Mr. Cesaro -- it means you can tell us anything for
19 that matter.

20 MR. STRAVATO. Mr. President.

21 THE PRESIDENT. Councilman Boyle.

22 MR. BOYLE. Apparently some of the
23 Councilmen here feel that there might be something hidden
24 here, maybe some of the facts that they are afraid to come

1 out in the open, the Mayor had the opportunity a week or
2 so ago as Councilman Mansolillo said, to editorialize. I
3 think if Mr. Cesaro wants to speak, I think we should all
4 hear the facts, why hide everything, let everything out in
5 the open.

6 MR. DILLON. I have no problem with
7 hearing all the facts and everything, but it seems to me if
8 the procedure is going the way I think, we are still ques-
9 tioning Mr. Cesaro after he had his examination by Mr.
10 Piccirilli, and now it seems to me once we get done with
11 all these questions, then we start with Mr. Cesaro's hour
12 of interrogation by Mr. Chaika, and then after that, then
13 the Council gets to go through another cross-examination.
14 That puts us at about Friday afternoon, I think,

15 THE PRESIDENT. New Year's Day.

16 MR. DILLON. I think Councilman Mansolillo
17 has a point that if you want to go on with explanations
18 of that nature, then you should have Mr. Chaika ask him the
19 questions and go from there. You are entitled to an hour,
20 and you are entitled to as long as it takes you to answer
21 the questions from the Councilmen, but I don't want the two
22 to double up. I don't mind hearing the story from the be-
23 ginning to the end once, but I think once is enough.

24 MR. CHAIKA. As Mr. Cesaro's lawyer, I

1 agree with you. As far as Mr. Cesaro's statement, he's
2 taken, as far as I'm concerned, at least three-quarters of
3 an hour I would use anyway, so you don't have to worry
4 about Friday afternoon.

5 MR. DILLON. Okay.

6 THE PRESIDENT. Councilman Moise.

7 MR. MOISE. The only thing I want to say
8 in regards to when the Mayor had his turn, he elaborated,
9 not only to answer questions, but he elaborated and threw
10 some other fuel into the fire. As a matter of fact, he
11 went off and made a few comments that were, you know, be-
12 yond, but I think Mr. Cesaro should have the same preroga-
13 tive if he could give us some additional information.

14 THE PRESIDENT. Mr. Stravato.

15 MR. STRAVATO. Are you finished with
16 your elaboration?

17 THE WITNESS. No, I wanted to expand on
18 it, so that I could present the complete picture for every-
19 body's evaluation.

20 MR. STRAVATO. Continue.

21 THE WITNESS. And I feel I am being re-
22 stricted in my own hearing to present the facts, because
23 we are getting tied up with technicalities instead of let-
24 ting me speak my piece and give me the opportunity to

1 present all the facts.

2 MR. STRAVATO. Instead of getting ex-
3 cited, continue.

4 A. ...Now, getting back, it is common sense that if there
5 is a dispute going on between Local 1033 and the Mayor, the
6 end product is that I am going to suffer the consequences
7 whatever they may be. Now, I will also relate that a while
8 back, when the issue of garbage trucks came up, that at
9 that point in time the question came up whether or not three
10 men or four men were to go on the garbage trucks, and at
11 that point in time, I read the Union agreement and there was
12 no stipulation in there, but however the Union official
13 brought to my attention that during the negotiations with
14 the Mayor, that they had a verbal agreement that no less
15 than four men were to go on the garbage trucks. I could
16 physically see that there was nothing in the agreement
17 that dictated to that. I also asked Mr. Piccirilli for an
18 opinion on that, and he said nowhere in their agreement was
19 it written that four men were required on the trucks.

20 However, the question came up as to when during their
21 negotiations, which comprised Mr. Virgilio, Mr. Arthur Coia,
22 and the Mayor, who were responsible for signing the agree-
23 ment, did or did not have a verbal agreement to that effect
24 that there be no less than four men on the garbage trucks.

1 At that point in time, I realized fully that this issue
2 had to be resolved. It could not be resolved by me, the
3 Director, because I was not present during the negotiations,
4 but I felt it was the responsibility of the Mayor at that
5 particular time, and I asked him in writing to kindly sit
6 down with Local 1033's, Mr. Virgilio, and Mr. Coia, and re-
7 solve the issue on three or four men, their verbal agree-
8 ment, and either deny or admit that the agreement, the
9 verbal agreement, was in effect. I have no way of knowing
10 that since I was not present.

11 During that time, the Union, I was informed, contacted
12 the Mayor's office and tried to get the Mayor to sit down
13 with them and negotiate and discuss this problem. This was
14 never accomplished until a week later. And during that
15 time, we suffered a tremendous amount of garbage accumula-
16 tion, which I had to, at a future time, expend overtime to
17 clear up the mess, because the Mayor would not sit down and
18 fulfill his duties and responsibilities to negotiate and
19 discuss the problem with Local 1033. So in my opinion, he
20 was negligent in his duties as the Mayor of the City of
21 Providence. Now gentlemen --

22 MR. PICCIRILLI. Mr. President, I hate
23 to interrupt Mr. Cesaro. May I make a motion that the
24 answer be stricken from the record, since it is truly not

1 responsive to the issue. The issue here, as counsel pointed
2 out, the problem involved November 17 and 18, not on the
3 garbage trucks six or seven months before that.

4 MR. CHAIKA. Until Mr. Cesaro can finish
5 and you can actually see whether it is actually related,
6 I think Mr. Piccirilli's motion is premature.

7 THE PRESIDENT. The Council made a state-
8 ment, I think Councilman Boyle made a statement a little
9 earlier though, that he wishes to know the whole facts and
10 the true facts and God only knows.

11 MR. PICCIRILLI. If Mr. Cesaro is indi-
12 cating three or four men on a garbage truck resulted in the
13 suspension of November 18, if he can tie it together, I
14 have no objection.

15 THE PRESIDENT. Will the Council over-
16 rule his motion?

17 MR. O'CONNOR. I don't believe Mr. Pic-
18 cirilli can make any motion. The Council members are the
19 only people that can make motions, but I think that the
20 argument basically is, and I think it was stated by Council-
21 man Easton, and stated by Councilman Boyle and stated by
22 Councilman Dillon, and Councilman Moise. We heard one
23 side, we want to hear the other side, let's get the hell
24 out of here, after we get whatever the presentation is by

1 Mr. Cesaro, let's stop haggling back and forth with all
2 these technicalities, let's hear the man's story and get to
3 the business at hand.

4 THE PRESIDENT. I will have to deny
5 Counselor's motion.

6 MR. PICCIRILLI. Thank you, please note
7 my exception.

8 (SO NOTED)

9 THE WITNESS. I hope I can continue on
10 my train of thought, with all my interruptions. I'm sure
11 the Mayor wasn't interrupted during his presentation.

12 A. ...Now gentlemen, it's pure and simple, I constantly
13 show you that the Mayor has refused in his capacity to sit
14 down and negotiate or argue points that were very crucial
15 to the taxpayers of the City of Providence. I felt that
16 with him in that position, he should have been sitting down
17 and resolving the issues and he neglected to do it, and it
18 was only, in my opinion, further harassment that was being
19 created by him with Local 1033, and as an end product,
20 ladies and gentlemen, these members are my employees. If
21 they are being -- if the Mayor is harassing Local 1033,
22 he's likewise harassing the men that work for me. Is that
23 a logical conclusion by all present?

24 As an end product, this situation did not get better,

1 but did definitely get worse, and as an end product, there
2 was a plan in my opinion being formulated to attempt to
3 discredit me for lack of performance, which I had no con-
4 trol over. I felt that if the Mayor had sat down with
5 Local 1033, when I originally requested him to, I would
6 have had my department and the taxpayers would have been
7 saved the burden and problems of garbage, the expenditure
8 of cleaning up the mess and once again the present situa-
9 tion that we are in right now, because the Mayor is re-
10 fusing to sit down and come to a negotiated agreement with
11 Local 1033. As an end product, we the taxpayers and every-
12 body else concerned, are suffering with this condition that
13 we are faced with right now.

14 MR. PICCIRILLI. Again, Mr. President, I
15 move that the answer be stricken.

16 THE PRESIDENT. Overruled.

17 MR. PICCIRILLI. Note my exception.

18 (SO NOTED)

19 A. ...Now, as an end product, as you can very clearly see,
20 the game plan was more or less set up, in my opinion, to
21 once again attempt to fire me, suspend me, and do not tell
22 any intelligent person that it wasn't politically motivated
23 once again, as it was, by his own admission, the Mayor, that
24 my first suspension was politically motivated, and this for

1 the record, was no different. I believe that I feel honest-
2 ly from my heart that I seem to be always in confrontation
3 with the Mayor and may be causing many many embarrassing
4 situations in his quest for Governor, and as an end product,
5 he has a personal vendetta against me and it is moving in
6 that direction and has planned this whole scheme and all
7 this that is being presented and put me here, embarrass me
8 once again, with a suspension, all because it is political-
9 ly motivated.

10 Q. I have one more question, Mr. Cesaro, do you have any know-
11 ledge of any interference with the duties of the dispatcher,
12 meaning to perform his duties to inform you or anyone in
13 charge, in the due process of threatening storm?

14 A. I was informed, I was informed, there's witnesses pres-
15 ent in the audience, that the Mayor, which it will be sub-
16 stantiated by the witnesses, they have told me this, that
17 the Mayor, in his desire to be so concerned about the snow-
18 storm, neglected and told one of my men, not to contact
19 Ernest Dambrosco, who the Mayor himself knew was fully in
20 charge of the snow removal effort. He gave orders to com-
21 pletely ignore calling Mr. Ernest Dambrosco.

22 Q. Are you saying he gave orders to the dispatcher?

23 A. No, he gave orders to Mr. Guy Zanni not to call Mr.
24 Ernest Dambrosco in.

1 MR. STRAVATO. I have no further questions.

2 THE PRESIDENT. Mr. O'Connor.

3 MR. O'CONNOR. Mr. President, I think
4 that we have all seen what a farce this entire process has
5 turned into based on the fact that we initially had a
6 hearing procedure that was dominated by the attorneys rather
7 than the City Council. As a result of that there have been
8 some rule changes suggested, we implemented those rules and
9 it seems to me that we are still at the point where we are
10 playing technical and legal games. I don't think that that
11 is the function of the City Council. If in fact from the
12 beginning we had heard Mr. Cianci's charges as he wanted to
13 present them, in whatever form he wanted to present them,
14 and then in turn heard Mr. Cesaro counter those charges, in
15 any form that he wanted to present them, I think we would
16 have had sufficient knowledge and evidence to make a deci-
17 sion. As it stands, from my sitting here from -- this is
18 the second meeting, I missed the first one, Thank God --
19 it seems to me that we could have scheduled these hearings
20 in the Providence Civic Center and raised a great deal of
21 money towards the budget for the City of Providence because
22 it's been a great circus, as I have seen. I think it is
23 a great miscarriage of justice here. I think we, as Council-
24 men, have been placed in a position of mediating a problem

1 that was caused by the Mayor himself over a period of years
2 and most recently after he lost his race for the Governor-
3 ship.

4 I think at this point, at least the way I look at it,
5 we have heard enough to make a decision, I move to dismiss
6 the charges and to reinstate Mr. Cesaro.

7 MR. STRAVATO. Second the motion.

8 MR. MOISE. I second the motion, Mr.
9 President.

10 THE PRESIDENT. Motion made and seconded
11 to dismiss the charges. We will have debate on it.

12 MR. PICCIRILLI. Mr. President, I be-
13 lieve that under Section 4.30 of the Charter, the City
14 Council is supposed to conduct a hearing.

15 MR. MOISE. We did.

16 MR. PICCIRILLI. Now, I have indicated
17 to the Council, and I have only called two witnesses so
18 far, Mr. Cesaro and Mr. Cianci, there are at least a dozen
19 more witnesses that I think the Council should hear. If
20 you want --

21 MR. SALVATORE. Point of order. Point
22 of order, Mr. President.

23 MR. PICCIRILLI. I have to make an offer
24 of proof for the record.

1 THE PRESIDENT. I'll hear you.

2 MR. SALVATORE. Mr. Piccirilli is not
3 speaking to the motion, and I feel he's out of order.

4 MR. PICCIRILLI. I'm speaking to the
5 motion because it is going to prohibit me or block me from
6 presenting evidence that the Council should listen to.

7 MR. SALVATORE. Point of order.

8 THE PRESIDENT. Overruled.

9 MR. PICCIRILLI. Let me tell you some
10 of the witnesses that will testify. We have a Frank Ti-
11 baldi, who was at the Public Works Garage and who would
12 testify that he went down to the Public Works Garage, spoke
13 to Mr. Zanni, spoke to Mr. Acetta and spoke to Mr. Cesaro
14 and indicated to Mr. Cesaro that he should call the Mayor,
15 and Mr. Cesaro didn't do it. Of course you won't permit
16 that to occur.

17 I have another affidavit from James Lembo, who will
18 testify that he did in fact talk to Mr. Cesaro on the
19 afternoon of the 17th, but never talked to him again. He
20 tried to contact Mr. Cesaro at home and couldn't, didn't
21 hear another word from Mr. Cesaro until 5:00 the next morn-
22 ing. That's contrary to what Mr. Cesaro said. We do have
23 the testimony of the police officer, who was now -- Police
24 Officer Cardarelli -- who was there on detail who will

1 testify there was no disruption, chaos, and everything was
2 quiet. I have tapes here from Mr. McLaughlin who will
3 testify that the workers in the Public Works Garage did not
4 go out because Mr. DelSanto told them not to go out. I tried
5 to subpoena Mr. DelSanto, he's not available. I tried to
6 subpoena Mr. Acetta; he is here and I'll call him, and I
7 tried to subpoena Mr. Dambrosco but Mr. Dambrosco informed
8 me he had a union meeting tonight. I tried to subpoena
9 Mr. D'Amico and he was unavailable and I have evidence Mr.
10 D'Amico had the keys to the trucks and the trucks couldn't
11 go out. I also have a statement and an affidavit from Mr.
12 Peter Bowie who testified that he talked to Mr. Cesaro on
13 the morning of the 18th. In fact I have tapes of that
14 recording. I have a deposition from Mr. John Melvin given
15 to Federal Agents who will testify at length as to what
16 Mr. Cesaro's conversation with him was in the restaurant
17 on the 22nd of November. I have plenty of these witnesses.
18 If you don't want to hear them, Mr. Counsel, you don't have
19 to hear them, but I assure you there is much more to this
20 case than you believe and if you want a full hearing, and
21 if you want a full airing, I think you should hear all the
22 evidence and should not take such action.

23 I am doing this to try to present as much, as many
24 facts as I can, to this Council so they can act in an

1 informed manner, and that's all I'm trying to do. I cannot
2 govern your rules, you can change them as many times as
3 you want, but I think the citizens of the City of Provi-
4 dence are entitled to hear this evidence, and they are
5 entitled to know that the witnesses can be cross-examined.
6 And if you want to do what you want to do, go right ahead
7 but those are the offers of proof that I have.

8 THE PRESIDENT. Counsel made an offer
9 of proof, there is a motion pending, it was made and
10 seconded. Any more debate on it?

11 MR. PICCIRILLI. Does anybody want to
12 hear the tapes, they are in my briefcase, I will play them
13 right now.

14 MR. O'CONNOR. Mr. President.

15 MR. MANSOLILLO. Point of order.

16 THE PRESIDENT. Point of order.

17 MR. MANSOLILLO. Mr. President, Mr.
18 O'Connor just rose and spoke for the first time upon making
19 the motion, it is the rule of the Council that any other
20 counsel, other than one who has already spoken, may speak,
21 so I notice Councilman Moise, Councilman Easton is standing,
22 I'll gladly yield to them.

23 THE PRESIDENT. Yield, Councilman Moise.

24 MR. MOISE. Mr. President, just on this

1 situation, Mr. Cesaro was presented to the Council, he was
2 qualified, he was the Mayor's candidate, he was presented
3 and elected by this Council for the position of Director
4 of Public Works, okay. By his position as Director of
5 Public Works, he can delegate the authority, and he has
6 maintained the confidence and respect of the men that work
7 under him in his position.

8 Like I say, in all fairness, to the Mayor, and due
9 respect of the job that he has done, if this is going to go
10 to Civil Court, let them go to Civil Court. As far as
11 the Council, like I say, I think we have done everything
12 in our power. Thank you.

13 MR. MANSOLILLO. Mr. President.

14 THE PRESIDENT. Councilman Farmer.

15 MR. FARMER. Mr. President, this Council
16 during the course of this, as Councilman Glavin stated, has
17 made a complete travesty out of this hearing. This motion
18 is even more than I could have imagined after we got rid
19 of the right to cross-examine witnesses on the part of the
20 parties. What this is going to do if it passes, is going
21 to render the inevitable vote. Proponents know they are
22 going to get a complete nullity. There is going to be no
23 clearing of Mr. Cesaro tonight. He's going to walk out of
24 here with a vote, it's going to put him back in the Public

1 Works Department, but it is not going to be a victory. His
2 name isn't going to be cleared. The only thing going to be
3 accomplished by this is that we are saying once and for all,
4 as loudly and clearly as we can, that we are not capable of
5 governing this city, and we are not capable of fulfilling
6 our responsibilities under the Charter. He's going to walk
7 out with the most hollow victory anybody could have, a vic-
8 tory where the case against him is not allowed to be pre-
9 sented, his own case doesn't even need to be presented be-
10 cause it was prejudged, and it makes for the people of this
11 city a classic example of the incompetence of this body.

12 THE PRESIDENT. Councilman Easton.

13 MR. EASTON. Mr. President, I have to
14 speak on this motion in a very uncomfortable manner because
15 I have the rare position of having to speak against Council-
16 man O'Connor, whom I respect greatly, and whose position I
17 can only sympathize with here tonight. I'd like to, since
18 everyone has made their speeches about the famous rules change
19 and the famous things that have happened here, I'd like very
20 quickly to outline what I saw happening in the last week and
21 a half, and really even earlier than that.

22 A couple of months back the Mayor decided he no longer
23 wanted Clem Cesaro, and by his own admission, he now admits
24 it was because politically they didn't agree. We then asked

1 him if he would care to present to us a case of why he
2 didn't want Mr. Cesaro, and I think this is important, I
3 think you should remember this. We asked him to present
4 a case; we asked him to present witnesses; we asked him to
5 present a written statement; we asked him to cross-examine
6 any witnesses; we asked him to appear before us, tell us
7 what's the problem. Why do you think Mr. Cesaro should be
8 removed. The Mayor didn't even want to show up. At that
9 time, he thought that due process was best served by his
10 sending in a letter saying, expounding on the charges that
11 he originally had presented. A few weeks later we get into
12 this tremendous turmoil and disagreement over layoffs that
13 apparently also had some political motivation behind them,
14 and as a result of that, Mr. Cesaro was left in the posi-
15 tion where he tried to govern the Department of Public
16 Works, tried to get garbage picked up, tried to get streets
17 plowed, without knowing who was in charge because there
18 were some major disagreements between who the Mayor had
19 laid off and who the Mayor hadn't laid off. I remind you
20 that the change in the layoffs came right about the time
21 of the storm. As far as I can see, Mr. Cesaro had no way
22 of even knowing who was working for him. To this date, I
23 don't believe the Mayor has produced the list of the senior-
24 ity people in this city and the layoffs. To this date,

1 he has not yet defended those actions. He has made ab-
2 solutely no sense on this, and we stand here, and we say
3 after a meeting in the Mayor's office, where Mr. Piccirilli
4 and the leadership was suddenly dragged downstairs and told
5 they were going to agree on rules, rules are brought up for
6 us to agree to. I stated during that time very clearly
7 I don't understand what the rules are about, I am not sure
8 I like them, do we have the right to change the rules. Oh
9 yes, you can change the rules at any time. So the next day,
10 I discussed it with a number of people what I thought was
11 an obvious stall by Mr. Piccirilli, an obvious attempt to
12 try to drag out these hearings until Mr. Cesaro's appoint-
13 ment came up again so that Mr. Cesaro could not be reap-
14 pointed and on the basis of the first night's testimony it
15 seems obvious that was their intent. So I agreed with
16 others that I talked with, the reasonable compromise on
17 the rules would be to have Mr. Piccirilli and the Mayor
18 tell their story and then have Mr. Cesaro tell his story,
19 and then have us decide. That's all we are supposed to do.
20 We weren't trying to change the rules to deny due process
21 or any other such thing. All we wanted was for one side to
22 say what they thought happened and the other side to say
23 what they thought happened. For the last two nights of
24 these hearings, instead we've gotten a lot of baloney and

1 political and legal maneuvering by Mr. Piccirilli, and now
2 I stand here with a bunch of other Councilmen who are ob-
3 viously disgusted with the process, saying let's get it
4 over with, let's vote and get it over with. Christ sake,
5 all we are doing is throwing a bunch of words out and just
6 arguing over nothing. I agree with that sentiment, but I
7 can't agree and it hurts me very much not to be able to
8 agree, can't agree that it is going to be the best thing for
9 this city. Somewhere along the line, Buddy Cianci's poli-
10 tical games -- and I don't usually refer to the Mayor of
11 the City of Providence as "Buddy Cianci," he should be re-
12 ferred to as Mayor, but damnit he should act like a Mayor
13 too.

14 I am tired of this whole thing, and it hurts me that I
15 can't go along with Councilman O'Connor's motion. I know
16 he wants to get this over with, but I can't sit here living
17 with the idea that Mr. Piccirilli has some secret witnesses
18 and some secret tapes and I know that in the Journal head-
19 lines it was written, the Journal Editorial that was writ-
20 ten two months ago, getting ready to roll, Council makes
21 sham of whole process. We sat here trying to figure out
22 what's going on while somebody is saying what they think
23 happened, the other side saying what they think happened
24 and then vote. That's what we should do, and still want

1 to do and because of that, I have to agree with Councilman
2 O'Connor.

3 THE PRESIDENT. Mr. Snowden.

4 MR. SNOWDEN. Mr. President, it seems to
5 me calling of a vote right now is, one, a pre-ordained situ-
6 ation, and two, somewhat inappropriate. It would seem to
7 me that we owe it to both sides to at least govern this by
8 arriving at some set of rules whether to change or not, and
9 the rules as I stated to allow other witnesses be called.
10 To not do that clearly goes against, I think, at least the
11 intent of having the hearing. To not have Mr. Cesaro's
12 whole side substantiated by his witnesses or the Mayor's
13 side substantiated by a set of witnesses that Mr. Picciril-
14 li calls, really flies in the face of having the hearing,
15 flies in the face of all of us, my own concluded, at the
16 way the hearings have gone on, but to call for a vote, how
17 to vote, basically without Mr. Cesaro ever having finished
18 testifying, I think, is inappropriate. I do feel that if
19 it is called for, the Council will bear the responsibility
20 of really not following this issue to the fullest and that
21 unfortunately is what we were requested to do just two
22 months ago when we went around this ballgame the first time.
23 If we vote or if a vote is called for, I don't know who in
24 good conscience could vote, myself included, on a situation

1 where we have not heard the evidence.

2 MR. MANSOLILLO. Indeed it is curious
3 to have a colleague of mine, who hasn't even participated
4 in each and every one of the hearings here this evening,
5 to precipitously move that we sustain or dismiss in this
6 instance, the charges against Mr. Cesaro. You know, this
7 Council, as Mr. Easton pointed out, bemoaned publicly, be-
8 rated the Mayor, in his last suspension of Mr. Cesaro, for
9 not coming forth and making his case, and making his case
10 indeed includes the process which has begun here. It in-
11 cludes a full hearing, a full understanding of what happened
12 during the period for which the charges are presented. Now,
13 how foolish can we be when we believe or adhere to a phil-
14 osophy that Councilman Easton puts forth. We want to hear
15 the Mayor's story and we want to hear your story, Clem, and
16 then we are competent to make a judgment. How can that
17 possibly be? How can we get to the truth without asking
18 other players in of the actions in and around November 17
19 and 18? Whose story would we be apt to find accurate?
20 Those of us who trust Mr. Cesaro would immediately vote to
21 dismiss the charges. Those of us who trust the Mayor would
22 immediately vote to sustain the charges. That certainly is
23 not a process of discovery; that certainly is not a hearing
24 that is open and attempts to get into all the facts. Now, I

1 know that the Councilmen, many of them sitting here, are
2 weary; I know they did not anticipate a drawn-out process.
3 It is apparent, absenteeism is beginning to grow day by day.
4 Tonight we are absent several Councilmen, and there have
5 been Councilmen present tonight that have not been present
6 previously, and they're anxious to get on with it, but we
7 have an obligation, as Councilman Easton pointed out, we
8 must gain a full understanding of what happened regarding
9 these events, and we have adopted rules by which to act as
10 a guide and to steer us in the course of fairness, and I
11 submit to you, any process that precludes the presentation
12 of evidence from any source is not in the best interest of
13 the people of this city. I hear a lot of other wild-eyed
14 statements this evening, I hear the Councilmen talking about
15 the Mayor growing up; I hear the Councilmen making asser-
16 tions that the Mayor has not produced a list. Well, his
17 knowledge is limited as all of our knowledge is, and indeed
18 to get to the bottom of this or any other matter that lies
19 before us, requires proper discovery, and I cannot be part
20 of, and I'm sure most of you cannot be part of, a process
21 that would end so abruptly, that seems to be only the
22 machinations of a truly political body.

23 Now we know, and I personally believe, that this
24 Charter provision which causes this process to take place

1 is not at all healthy because on the very face of it there
2 are adversary parties here, the Executive is of one party
3 and the Legislature is of another, but we owe, if not our-
4 selves, we owe the people that we represent a full airing
5 of these matters and how can you have a hearing, a com-
6 plete and full hearing, pitting one side against another,
7 without asking others who may have knowledge about the
8 events of that evening to come forward --

9 POLICE OFFICER. The Mayor's chauffeur
10 has requested we clear the hall because of a bomb threat.

11 THE PRESIDENT. This hearing will con-
12 tinue tomorrow afternoon at 4:00.

13 (HEARING RECESSED AT APPROXI-
14 MATELY 10:40 P.M.)

15 * * * * *

16 C E R T I F I C A T E

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

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