

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

IN CITY COUNCIL

SEP 4 1980

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

Rose M. Mendenhall CLERK

* * * * *

PROCEEDINGS AT PUBLIC HEARING: *

IN RE: WRITTEN CHARGES AGAINST *
CLEMENT CESARO, DIRECTOR *
OF PUBLIC WORKS *

* * * * *

VOLUME 2

August 26, 1980
8:00 p.m.
Providence City Hall
Providence, R.I.

BEFORE: City Council, Ralph Fagnoli, Presiding

PRESENT: JOHN ROTONDI, ESQUIRE
VINCENT J. PICCIRILLI, ESQUIRE
WILLIAM Y. CHAIKA, ESQUIRE

ALLIED COURT REPORTERS
115 Phenix Avenue
Cranston, R.I. 02920
781-1984

1 THE PRESIDENT. Will the Council take
2 their seats, please. May I have your attention, please.
3 We are reconvening meeting of the public hearing of
4 August 20, 1980. Would the Clerk call the roll?

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

MR. [unclear]. Could I have a tally on
the number of people?

THE PRESIDENT. Eighteen Ayes, eight
absent, we have a quorum.

MR. [unclear]. If we didn't have eighteen

1 Councilmen, there wouldn't be any sense having a hearing.

2 THE PRESIDENT. What did you say?

3 MR. ROTONDI. I was talking to Rose.

4 THE PRESIDENT. Counselor for the
5 Director of Public Works, Mr. Chaika.

6 MR. CHAIKA. Thank you, Mr. Chairman.
7 At the last meeting before we adjourned, I made a request
8 and a point requesting the Chair to find out whether or
9 not, in view of the fact that there was no evidence, no
10 witnesses, no sworn testimony, no sworn affidavits to
11 back up the charges filed by the Mayor, whether or not
12 in fact there was actually anything for Mr. Cesaro to
13 respond to.

14 We are now back; a few days have passed, and I would
15 ask the Council President whether or not the Council
16 President is aware if the City will present anything
17 further than it already has?

18 THE PRESIDENT. I will direct that
19 question to Mr. Piccirilli.

20 MR. PICCIRILLI. Mr. President, Members
21 of the Council, the Mayor will rest on the charges and
22 specifications submitted to the Council together with
23 the backup material.

24 MR. EASTON. Point of order.

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THE PRESIDENT. Councilman Easton.

MR. EASTON. I don't think we have had a specific ruling from this Council as to whether or not the specifications are in fact before this body. As far as I'm concerned, the only charges before this body are the original charges listed and the specifications are not in order until Mr. Piccirilli is prepared to submit them and swear to them.

THE PRESIDENT. The only charges I know of -- do you want to answer?

MR. PICCIRILLI. Yes, as I read the Charter, the Charter requires written charges to be submitted. Those charges were submitted to the City Clerk the Friday before the Tuesday of the meeting which is at least 72 hours in advance. I cannot verify the fact the charges and specifications were or were not distributed, but they were presented to the City Clerk on Friday. I do not read the Charter requiring the Mayor submit anything but written charges, and the charges were written and the specifications were written.

THE PRESIDENT. Councilman Easton.

MR. EASTON. We have received two documents. One document was labeled "Charges" and that document is clearly before us. The second document is labeled

1 "Specification of Charges," and I don't believe that
2 document is before us, because only the charges are be-
3 fore us until they are prepared to submit the specifica-
4 tions and swear to them.

5 MR. CHAIKA. Mr. President, if I could
6 be heard as well.

7 THE PRESIDENT. Before you go on, the
8 City Clerk has received something from the administration.
9 Would you read it.

10 THE CLERK. I received the specification
11 to the charges in writing. They were distributed to the
12 City Council at their hearing held -- you all received
13 copies of this.

14 MR. ROTONDI. When did you receive copies?

15 THE CLERK. The Friday afternoon prior
16 to the hearing.

17 MR. EASTON. I want to rise to a point
18 of order again. I don't believe that the City Clerk
19 should read those charges because I don't believe the
20 charges are properly before -- the specifications are
21 properly before this Board, because the only thing to be
22 submitted in advance in writing are the charges. Speci-
23 fications to the charges are a different item and should
24 be submitted, under oath, before this Body, and I think if

1 he wishes to submit them, then Mr. Piccirilli should sub-
2 mit them and swear to them and then they are properly be-
3 fore this body. At the moment they are not properly be-
4 fore this body and until they are, I don't believe we
5 should receive them.

6 THE PRESIDENT. Councilman Moise.

7 MR. MOISE. Mr. President, I would like
8 to say one thing. On the night of August 7, City Council
9 Meeting, we were presented an affidavit of charges; at the
10 last public hearing we were presented again the charges.
11 As far as I'm concerned it is to a point the charges
12 aren't worth the paper they are written on. We are here
13 to see evidence. We're here to make a decision, as a
14 culmination of specific specifications. We know the
15 charges backwards now, we've been reading them over and
16 over and over, but that's the limit. Where are we going
17 from there? Are we going to make a decision on what's
18 written on paper or on evidence?

19 THE PRESIDENT. No additional charges
20 were presented to this Council.

21 MR. CHAIKA. In view of that, Mr. Presi-
22 dent, based upon the Rhode Island case, Riccio Versus
23 Bristol Town Council, which is a Rhode Island Supreme
24 Court case, which clearly specifies -- and if I can read

1 one short paragraph in there.

2 THE PRESIDENT. What is the cite?

3 MR. CHAIKA. 109 R.I., at Page 440. The
4 case begins on Page 431. It says, quote, Whenever, how-
5 ever a municipal legislature conducts proceedings held for
6 the purpose of dismissing a public officer, entitled to a
7 hearing, such proceedings are quasi-judicial and subject
8 to review. That means, judicial, that means a hearing,
9 that means it's got to be backed by evidence, witnesses,
10 sworn testimony, subject to cross-examination. The pro-
11 ceedings now are a farce, and I move at this time that
12 these charges be dismissed and that Mr. Cesaro be re-
13 instated.

14 (APPLAUSE)

15 THE PRESIDENT. Would anyone like to make
16 a motion to that effect?

17 MR. ADDISON. So moved, Mr. President.

18 MR. SALVATORE. Second.

19 MR. EASTON. Second.

20 THE PRESIDENT. All in favor, Aye.

21 (APPLAUSE)

22 MR. JOHNSON. He cannot make a motion on
23 this Council.

24 THE PRESIDENT. He didn't.

1 MR. JOHNSON. Who made the motion?

2 MR. ADDISON. I did.

3 THE PRESIDENT. Nick Easton seconded it.

4 MR. PETROSINELLI. So did I.

5 MR. EASTON. Discussion is in order on
6 the motion.

7 MR. SNOWDEN. Mr. President.

8 THE PRESIDENT. It is all over. A motion
9 was made and seconded; all in favor, Aye.

10 MR. SNOWDEN. No motion was ever presented
11 to this body.

12 MR. EASTON. I rose to discussion on
13 the motion, and you refused to recognize me.

14 MR. O'CONNOR. Could we have a roll call
15 vote?

16 THE PRESIDENT. Councilman O'Connor is
17 requesting a roll call vote.

18 MR. EASTON. I rose for discussion on
19 the subject.

20 THE PRESIDENT. Do you want to have a
21 discussion on the motion?

22 MR. EASTON. Yes, I would.

23 THE PRESIDENT. You are welcome to it.

24 MR. EASTON. Mr. President and Fellow

1 Council members.

2 THE PRESIDENT. Put the camera on him
3 (to newsmen).

4 (APPLAUSE)

5 MR. EASTON. I think frankly that if the
6 television and the newspaper would like to know what the
7 hell is going on in this City, I will be happy to tell
8 them if no one else wants to. Obviously, what's going on
9 in this City with this matter is nobody wants to talk about
10 who did everything. Personally from everything I have
11 seen, Mr. Cesaro was an honest, decent man, who has been
12 allowed to be dragged through the mud on this issue, with
13 innuendo, something like 20 different articles in the news
14 paper about what's going on in Public Works, and when it
15 comes right down to what we simply ask the Mayor to just
16 swear to something, just say he honestly believes some-
17 thing, through his acts, by himself, any way, to come here
18 and say what Mr. Cesaro did wrong. He absolutely refuses
19 to come and even say that. I just think that that should
20 be pointed out. Mr. Cesaro has worked very hard and has
21 been dragged through the mud; I'm more than happy to sup-
22 port the motion. I think it is perfectly in order, I
23 think it is a disgusting proceeding when the Mayor can sit
24 there and malign a man for the amount of time he has

1 maligned this man in the newspaper, and on the streets of
2 this City, and not even have the common courtesy and the
3 courage to appear before us, or at least instruct his
4 agents to appear before us and tell us what the hell this
5 guy did wrong.

6 Thank you, that's all I want to say.

7 (APPLAUSE)

8 MR. SALVATORE. I think we've been more
9 than very patient waiting for the charges against Clem,
10 but what happened, the entire thing backfired. It was
11 apparent that when the \$7-million deficit in the budget
12 was about to arise, they had to find a fall guy, so they
13 went to the Public Works Director and looked for the fall
14 guy. But what happened through the entire proceeding is
15 that the documents were kept, as to why there were prob-
16 lems financially in the Public Works Department. And
17 they came out of the Mayor's office, and they were signed
18 by Glantz, and they said, allow 13 hours of overtime for
19 so and so during the week, and eight more hours on Satur-
20 day for a total of -- with this piece of paper alone --
21 108 hours of overtime during the week and another 108
22 hours on Saturday. Where are the problems? The fall guy
23 and Mr. Cesaro. "You spent too much money, you caused my
24 budget to be a deficit." No. The spending procedure in

1 City Hall from downstairs, that's where the deficit comes.
2 The Administration is who blew all of the money, who has
3 caused the \$13-million deficit. Not Mr. Cesaro. He has
4 run his department with dignity. The press covered this
5 issue quite well, I must admit, for a change. But you
6 missed one thing. You know what is going on in this Hall,
7 you know where the Councilmen stand. When they're about
8 to say something proper, Administration or anti-Administra-
9 tion, but you miss an important thing. You should have
10 realized what was going on when you saw Councilman Man-
11 sollilo take a low-key approach to the whole situation.
12 Had Councilman Mansolillo raised the issue time and time
13 again, as he has in the past, then you, the press, could
14 have said, well Cianci does have an argument, but you
15 saw it, we know what's going on, but you didn't realize
16 it as press people, that they took the low-key approach.
17 They didn't want to press charges, they wanted to drop
18 this whole issue; it caused a hot potato and it went right
19 up his tail.

20 (APPLAUSE)

21 MR. SALVATORE. We know what's going on,
22 I wish the heck the press would find out once in a while
23 what's going on also. Write the story the way it should
24 be written. The man is doing the job the way he should

1 have been doing it. Cianci caused a \$7-million budget
2 deficit, and he had to blame someone. So we blamed Clem.
3 Bull.

4 (APPLAUSE)

5 MR. SNOWDEN. Mr. President, I contend
6 there is no proper motion before the body since the
7 motion was stated by the lawyer.

8 THE PRESIDENT. The motion was stated
9 by Councilman Phil Addison..

10 MR. SNOWDEN. Phil said so moved. That's
11 not stating of a motion. The motion was a statement from
12 the lawyer, I want to hear from the Council person.

13 THE PRESIDENT. He retracted that and
14 made a motion and it was seconded by Councilman Petro-
15 sinelli. Do you want to state the motion all over again,
16 to dismiss the charges.

17 MR. ADDISON. Well, I won't state it
18 exactly like counsel did, but I think you will get the
19 essence of the motion.

20 Due to the lack of further evidence, I move that this
21 Council dismiss the charges against the Public Works Di-
22 rector, Mr. Clement Cesaro.

23 MR. PETROSINELLI. Second.

24 MR. CHAIKA. May I be heard? I did not

1 make my motion because of the lack of further evidence.
2 My motion was based upon the fact that there was no evi-
3 dence whatsoever before this Board or this Council.

4 MR. ADDISON. May I restate. There being
5 no evidence before this Council, I move that this Council
6 dismiss charges against Mr. Clement Cesaro.

7 MR. PETROSINELLI. Second.

8 MR. SALVATORE. I request a roll call
9 vote.

10 MR. ADDISON. ...And reinstate him.

11 MR. DILLON. I would just like to make a
12 statement. I don't think we should dignify these charges
13 by making motions on them. These things are so really
14 ridiculous that we ought to let the time run out on this
15 thing. Not even demean ourselves to take action on it;
16 they are so utterly without merit.

17 MR. CHAIKA. Mr. President, I'd like to
18 be heard on this.

19 MR. LYNCH. Mr. President.

20 THE PRESIDENT. Councilman Lynch.

21 MR. LYNCH. I disagree with Councilman
22 Dillon on this point, I think it is incumbent upon the
23 Council to take action on this case. I think that to just
24 let the time run out would be a disservice to Mr. Cesaro.

1 I think that we have to take a man's stand and vote in his
2 support. And I would like to expand upon what Councilman
3 Salvatore said. He said that Clem Cesaro has been placed
4 in the position of being a fall guy by Mayor Cianci. I
5 agree with that part, but I would carry it one step fur-
6 ther, in that I think that should this Council vote in
7 the affirmative to this motion, as made by our Majority
8 Leader, and vote to dismiss the charges that were brought
9 against Mr. Cesaro, that the Mayor and his colleagues will
10 bring it further and state as has already been mentioned
11 in the press, that the Council is going along with him
12 because we are basically a Democratic Council, and he's
13 going to try to make the Council further fall guys on
14 these charges.

15 I think that it is entirely wrong. It is against
16 the person who has been a good public servant and I think
17 that we as a Council have to stand and support the fact
18 that Clem belongs in the job.

19 THE PRESIDENT. Clerk, will you call the
20 roll. All in favor of dismissing the charges, or the
21 case, say Aye. All opposed, say No.

22 MR. ROTONDI. I believe Councilman Sal-
23 vatore asked for a roll call vote.

24 THE PRESIDENT. That's what she's doing.

THE CLERK. Mr. Fargnoli: Aye.
 Mr. Addison: Aye.
 Mr. Almagno: Not voting.
 Mr. Boyle: Absent.
 Mrs. Brassil: Aye.
 Mr. Cirelli: Absent.
 Mr. Cola: Absent.
 Mr. Dillon: Aye.
 Mr. Easton: Aye.
 Mr. Farmer: Not voting.
 Mr. Flynn: Absent.
 Mr. Glavin: Aye.
 Mr. Griffin: Absent.
 Mr. Johnson: Aye.
 Mr. Lynch? Aye.
 Mr. Mansolillo: Absent.
 Mr. Moise: Aye; with great
 pleasure.
 Mr. O'Connor: Aye.
 Mr. Paolino: Aye.
 Mr. Pearlman: No.
 Mr. Pennine: Aye.
 Mr. Petrosinelli: Aye.
 Mr. Salvatore: Aye.
 Mr. Snowden: Aye.
 Mr. Stravato: Aye; two Ayes.
 Mr. Xavier: Absent.

THE PRESIDENT. Sixteen Ayes, one No,
 two Not Voting, seven Absent, and the case is dismissed.

(APPLAUSE)

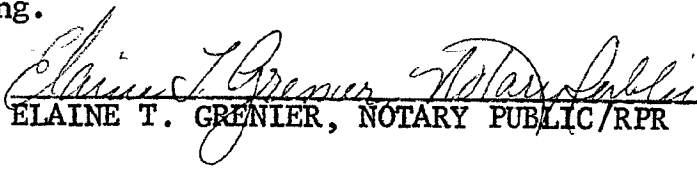
MR. MOISE. Move to adjourn.

MR. PETROSINELLI. Second.

(HEARING CLOSED 8:55 P.M.)

C E R T I F I C A T E

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


 ELAINE T. GRENIER, NOTARY PUBLIC/RPR