

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE CITY COUNCIL

IN CITY COUNCIL
FEB 5 1981

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

Rose M. Mendonca
CLERK

PROCEEDINGS AT HEARING *

IN RE: SUSPENSION OF *

CLEMENT J. CESARO *

Second Day
December 2, 1980
City Council Chambers
Providence, Rhode Island

BEFORE: CITY COUNCIL MEMBERS
RALPH FARGNOLI, PRESIDENT

APPEARANCES:

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

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

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

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

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THE PRESIDENT. Clerk, please take the roll.

ROLL CALL: President Fagnoli: Here.
Mr. Addison: Here.
Mr. Almagno: Here.
Mr. Boyle: Here.
Ms. Brassil: Here.
Mr. Cirelli: Here.
Mr. Cola: Here.
Mr. Dillon: Here.
Mr. Easton: Here.
Mr. Farmer: Here.
Mr. Flynn: Here.
Mr. Glavin: Absent.
Mr. Griffin: Absent.
Mr. Johnson: Absent.
Mr. Lynch: Absent.
Mr. Mansolillo: Here.
Mr. Moise: Absent.
Mr. O'Connor: Absent.
Mr. Paolino: Absent. (See below)
Mr. Pearlman: Absent.
Mr. Pennine: Absent.
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. PAOLINO. Madam Clerk, I'd like to be recorded as being present. (Mr. Paolino present)

THE PRESIDENT. Where is the witness?

(COUNCIL AT EASE)

MR. ADDISON. Mr. President. Mr. President, may I have the floor?

1 THE PRESIDENT. Yes, you may.

2 MR. ADDISON. Mr. President, Members of
3 the Council, because of the severe turmoil in the city,
4 this Council is anxious to resolve this matter as quickly
5 as possible so that the Public Works Department can be cer-
6 tain of who is in charge. This Council has never operated
7 under evidentiary procedures. The proper place for that
8 type of procedure is a court of law, and since both sides
9 have expressed the desire to take the matter to court, they
10 can pursue this type of procedure at that time.

11 Therefore, the Council proposes that the rules be
12 amended in the following ways: There will be no cross-ex-
13 amination of witnesses by opposing counsel. The only ques-
14 tions will be by Councilmen. Mr. Piccirilli, having already
15 presented his primary witness, will be allowed to call any
16 other witnesses he wishes, but his examination will be
17 limited to five minutes per witness. Following this, Mr.
18 Chaika will be allowed to call Mr. Cesaro, whose examina-
19 tion will be limited to one hour. Then Mr. Chaika will be
20 allowed to call his witnesses with the same five-minute
21 limit. The matter will then be decided by the Council.

22 MR. SALVATORE. Second the motion.

23 THE PRESIDENT. Motion has been made
24 and seconded. Councilman Mansolillo.

1 MR. MANSOLILLO. Mr. President, we all
2 know that we gathered here last night and operated under a
3 set of rules that firstly had been aired amongst the Major-
4 ity Leader, the President, and the Minority Leader, and
5 then agreed upon by this Council. Now, I think that it is
6 very poor practice, and amounts to foul play, when after
7 the first evening of the hearing we decide we are looking
8 to change the rules. You know this Council has a reputa-
9 tion whereby every time they don't like something, they
10 change the rules. Now, we began this hearing in good faith
11 last evening and I expect that we continue to act in the
12 same good faith, and that indeed the citizens of the City
13 of Providence are entitled to have a full airing of the
14 matter before us. Indeed such statements as "severe turmoil"
15 in the Public Works Department are a bit overstated, over-
16 stated at least by members of this Council, and I see no
17 interest -- I'm interested in the City of Providence in the
18 long run, not in the next few days, not overnight, but look-
19 ing to have this matter fully aired and giving ample oppor-
20 tunity to the administration and to Mr. Cesaro to make
21 their cases.

22 We agree to one thing, and then we change our minds
23 after one hard night. It just proves to me one thing, that
24 many of us here, or at least those who advocate a change in

1 the rules, are interested only in one thing, getting out
2 of here, putting the matter aside rather than fully airing
3 it. Well, we are councillors representing the people of
4 the City of Providence and we have an obligation to them,
5 and we should see that first, not to amend the rules, so
6 that we can leave and get on with our lives, but to fully
7 investigate this matter and give it the full consideration
8 that it is due, because the Public Works Department in this
9 city is amongst the most important departments, and indeed
10 the charges here regard the public safety, health and wel-
11 fare. It's no time to change the rules to get out, it's
12 time to change the rules to get to the facts.

13 I remember being here several months ago at the first
14 suspension of Mr. Cesaro, and all I heard my colleagues say
15 denouncing the administration was, "The Mayor didn't come
16 and tell us his side of the story, what has he got to hide,
17 is he afraid, why is he not here, is he avoiding us?" Well,
18 tonight he is here, and he was here last night, and indeed
19 he intends to press his case and to show to you, the repre-
20 sentatives of the people of the City of Providence, and to
21 the people in the City of Providence, what in his opinion
22 and judgment happened on Monday, November 17, and why he
23 concluded, as the Chief Executive Officer of this city,
24 that he could no longer allow Mr. Cesaro to serve in the

1 position which he held, or holds.

2 So let's not look for a quick out, let's be here and
3 look to get the facts. Amending the rules is tantamount to
4 a political decision, a pre-judgment of the case, and any
5 attempt to translate that in any other form is just not
6 going to work. The airing is here, let the airing continue,
7 as it should continue.

8 MR. SNOWDEN. Mr. President.

9 THE PRESIDENT. Mr. Snowden.

10 MR. SNOWDEN. Yesterday, as Councilman
11 Mansolillo stated, we accepted a set of rules, I asked for
12 a ruling by yourself, as Chair, that the Council members
13 in asking questions to the witnesses, various witnesses of
14 whom Mayor Cianci has been the only one to date, be limited
15 to the same rules of evidentiary procedure, i.e., that they
16 do not ask questions that have not been brought up in the
17 original interrogation, and it seems to me that if we take
18 the questioning of the witnesses, whether they be from the
19 Mayor's position or from Mr. Cesaro's position, and put that
20 questioning into the hands of the Councilmen, we have simply
21 come down to a political airing and we all know what the
22 vote is.

23 As Councilman Mansolillo stated, two months ago, two
24 and one-half months ago, when Mayor Cianci attempted to

1 bring before this Council the charges against Mr. Cesaro,
2 the big question was where was the substantiation. Now,
3 if the substantiation is going to come from the Council
4 members, the questions are going to come from the Council
5 members, my question to them is why didn't they ask the
6 questions two and one-half months ago? The questions I
7 would think at this point have to come from the lawyers
8 in the case. I am not enthralled about spending four,
9 possibly five or six evenings here, but I think that we
10 all at this point, with the standing situation existing
11 in the city, and the garbage, or the walk-off today, that
12 we have some proceeding that allows for as fair as possible
13 allowance of the facts in this case to be brought out.

14 Councilmen cannot do that, because I am sure we have
15 not prepared a case. If we had prepared a case, we would
16 not have been so worried about copies of the things that
17 were handed in yesterday as evidence. So it comes down to
18 a question of why are we changing the rules that we spent
19 an hour waiting here to have set yesterday, and if we are
20 going to change and simply have the Councilmen ask ques-
21 tions, to limit the questioning of further witnesses to
22 five minutes, I think we have little more than a public
23 hearing and that is not what the original agreement, or the
24 intention of having these set of hearings was.

1 I'm sure that there is pluralization of the Council,
2 I'm sure that the probable final outlook has already been
3 concluded, but I am willing to sit here and listen to both
4 sides. The original witness has had his chance to state
5 his case, we came here under the assumption this evening of
6 hearing the cross-examination, and that cross-examination
7 is now being limited to an hour, there was no limit to the
8 original examination, we are talking about limiting further
9 witnesses to five minutes, and the question keeps coming up
10 on why the change of the rules. I don't feel we should
11 change the rules. I feel that we owe it to the public,
12 since we started and set it out, and it has been in the
13 Journal of which way it is going to go, that we follow
14 that course. Changing it means simply changing for politi-
15 cal reasons and expediency. If they were so worried about
16 expediency, they adopted the set of rules that we are going
17 to change in a few minutes anyway. So I would ask that the
18 Council go with the original set of rules that we adopted
19 yesterday, at the great expense of waiting to other people
20 sitting here, I think to set out a course of action and to
21 not follow it simply means that we insult the citizens of
22 the City of Providence that we're putting politics above
23 everything, that Mr. Cesaro would not get the open and fair
24 hearing that he was promised and I wonder whether we could

1 have saved all of us here a lot of problems and a lot of
2 time if we'd just come to that conclusion last night.

3 THE PRESIDENT. Councilman Moise.

4 MR. MOISE. Mr. Council President, last
5 night we made a ruling that would be amended, the amend-
6 ments would be subject at any time with the vote of the
7 Council. The ruling was accepted, there was no debate on
8 it. We are here as a public hearing; public hearings were
9 held before in these chambers, have taken that procedure.
10 It is their procedure. People come in and testify, do
11 their thing, and they leave. I think we are here to make
12 a decision and I'd like to move the question.

13 THE PRESIDENT. Councilman Farmer.

14 MR. FARMER. Mr. President, the most
15 obvious effect of this, despite the source, is to violate
16 Mr. Cesaro's constitutional rights. He has, at the very
17 least, a right to due process in this hearing. He may not
18 have the right to the rules that were adopted last night,
19 rules of evidence in a court, but he most clearly has a
20 right to cross-examine witnesses or have his counsel do so.
21 Now whether intended or unintended, the indirect effect of
22 that is that if the decision of this Council under the
23 rules as proposed by the Majority Leader is to affirm the
24 suspension of Mr. Cesaro, his appeal is not only good, but

1 going to be won almost on its face, on account of rules
2 that deprive his counsel and him of the right to cross-
3 examine witnesses against him. The converse of that is
4 obviously also true. The Mayor has brought charges, has
5 come here and testified, and any right that he has, in
6 bringing those charges, to cross-examine witnesses, if we're
7 going to purport to carry out some kind of a fair hearing,
8 is also being violated by these rules, and that right also
9 exists and it is not under the rules of this Council or the
10 rules that we may adopt tonight, it is under the United
11 States Constitution. I just can't believe that it makes
12 any sense to violate the constitutional rights of Mr. Cesaro
13 in order to expedite a hearing, unless the result of the
14 hearing is pre-ordained, in which case there can only be
15 one result, and we shouldn't bother changing the rules, we
16 might as well just vote and get it over with.

17 MR. SALVATORE. I think that attitude is
18 totally out of order, that the Council has made up its mind.
19 By the simple nature that this is a hearing, we are here to
20 listen to those who would like to testify for or against.
21 That's the nature of us being here. Last night was a
22 circus. Last night we had an attorney that controlled this
23 entire meeting and that's wrong. You are the Council mem-
24 bers. We are here to listen to what those pro or con have

1 to say, not at the advice of an attorney. Advice of an
2 attorney should be that of a client, he should advise the
3 client, not put on a show for us. Last night was totally
4 out of order and a similar format can go on many many days.
5 I think what we are doing here is giving everyone who wishes
6 to speak an opportunity to base the facts, to tell us
7 what's going on, what has happened, and it's up to us to make
8 our judgment after that.

9 MR. PEARLMAN. I'd like to hear from at-
10 torneys for both sides and then I have a comment.

11 MR. SALVATORE. I object. I object. The
12 attorneys are not to control this meeting.

13 THE PRESIDENT. They are not controlling,
14 they're just basing opinion.

15 MR. SALVATORE. Mr. President, last night
16 the attorney had half the time on this floor. Mr. Picci-
17 rilli should not have half the time on this floor. We were
18 willing to listen to Mayor Cianci and willing to listen
19 to anyone who wishes to testify but I'm not going to let
20 Mr. Piccirilli run this meeting, he's not supposed to. We
21 are here to listen and we will listen and I object to him
22 even speaking right now.

23 THE PRESIDENT. Well, I think he has a
24 right to speak.

1 MR. LYNCH. Mr. President, as a member of
2 the Council, I wish to express if Mr. Pearlman has some com-
3 ments that he wishes to make, as he just stated that he did,
4 that he be recognized now to make these comments. He's
5 not going to set the rules as to how we operate and hear
6 from both attorneys and then he makes his comments; if he
7 has something to say, let him say it right now.

8 (MR. JOHNSON ARRIVED AT THIS
9 POINT)

10 THE PRESIDENT. Councilman Pearlman,
11 would you like to say something?

12 MR. PEARLMAN. We are still operating
13 until the new rules are adopted, and under the old ones
14 and the old ones are the attorneys have a right to speak
15 here and I feel we are entitled to their legal opinions
16 because there are constitutional rights, as my Brother Mal-
17 colm Farmer has pointed out, and I urge the President to
18 get the comments on this proposal from the legal attorneys
19 who are representing both sides. Then I would like to be
20 heard.

21 MR. SALVATORE. An attorney cannot talk
22 on a resolution or motion we have on this floor; he has
23 no right to speak on the motion before us, no right what-
24 soever.

1 MR. SNOWDEN. Mr. President. May I speak
2 secondly on the question?

3 THE PRESIDENT. Councilman Snowden.

4 MR. SNOWDEN. Whether or not they have a
5 right, yesterday they had the audacity to hold this entire
6 Council and all the other spectators waiting for an hour
7 while they decided what the ground rules were, and to not
8 let them have a due process or input into what the ground
9 rules are going to be changed to is an insane situation.
10 Now whether or not they control the meeting, I feel if they
11 allowed them last night to sit in private, because I wasn't
12 there and other members of the Council weren't there to
13 decide what the ground rules were, and now to tell them
14 they don't even have a right to enter into that type of
15 an argument, I think again I go back to the same thing, and
16 although Councilman Salvatore is going to object to it, the
17 only thing that I could see coming out of this is that the
18 vote, the decision is already pre-ordained. I agree with
19 Malcolm Farmer, that if a decision is pre-ordained, we
20 should just take the vote. Now, if we're going to have,
21 as we had last night, a situation where the attorneys from
22 both sides and the Council leadership decide what the rules
23 are going to be, I will accept that. If we are going to
24 tell them all of a sudden they have no right to decide what

1 the ground rules are, but we are now going to dictate to
2 them, I have trouble with that. So I think you, in your
3 capacity as Chair, I would hope that you had some decision
4 on how last night's arguments came out, that you'd make a
5 decision on which set of rules and how we are going to go
6 about setting the rules before this Council and the hearing.

7 THE PRESIDENT. State your motion again,
8 Majority Leader.

9 MR. ADDISON. I believe the Clerk has it.
10 Would you read the motion back there?

11 THE CLERK. "Mr. President, Members of
12 the Council, because of the severe turmoil in the city,
13 this Council is anxious to resolve this matter as quickly
14 as possible so that the Public Works Department can be
15 certain of who is in charge. This Council has never operated
16 under evidentiary procedures. The proper place for that
17 type of procedure is a court of law, and since both sides
18 have expressed the desire to take the matter to court, they
19 can pursue this type of procedure at that time.

20 "Therefore, the Council proposes that the rules be
21 amended in the following ways: There will be no cross-ex-
22 amination of witnesses by opposing counsel. The only ques-
23 tions will be by Councilmen. Mr. Piccirilli, having already
24 presented his primary witness, will be allowed to call any

1 other witnesses he wishes, but his examination will be
2 limited to five minutes per witness. Following this, Mr.
3 Chaika will be allowed to call Mr. Cesaro, whose examina-
4 tion will be limited to one hour. Then Mr. Chaika will be
5 allowed to call his witnesses with the same five-minute
6 limit. The matter will then be decided by the Council."

7 MR. STRAVATO. Move the question.

8 MR. SALVATORE. Second.

9 MR. PEARLMAN. I'd like to make a com-
10 ment.

11 MS. BRASSIL. The question has been
12 moved.

13 MR. MANSOLILLO. Point of order, we have
14 all these parliamentary experts moving the question, I sug-
15 gest that we consult Roberts' Rules of Order and find out
16 what it takes to cut off debate so that we'll be sure that
17 we are not precipitously closing this discussion. I be-
18 lieve Roberts' Rules will educate us that more than a mere
19 majority is required for closing debate. Before we have
20 any moves, we want to move out of this Chamber whoever
21 wants to go on living their lives, but we should be airing
22 these things as they should be aired, let's adhere to Rob-
23 erts' Rules.

24 THE PRESIDENT. I don't think anyone

1 would object to Councilman Pearlman making his remarks.

2 MR. PEARLMAN. Mr. President, Members
3 of the Council, tonight Providence College is playing
4 basketball. This is like after the first five minutes of
5 the game, a bunch of the players getting together and say-
6 ing we are going to change the rules. Now, as my Brother,
7 Councilman Farmer, has pointed out, not only is it unfair,
8 imminently unfair to all concerned, but it also violates
9 the rights of all concerned. I'm very concerned about it.
10 Furthermore, I'm concerned about the leadership, I consider
11 it a breach of good faith, because here, yesterday, we got
12 together, we worked out these rules to try to be fair to
13 all concerned. We spent an hour and a half in the Chamber
14 and came out and voted on this, on the floor. Now what's
15 happened in 24 hours to cause everybody to change their
16 mind? I ask that rhetorical question. There is nothing --
17 as a matter of fact, there is a great deal which would
18 indicate to protect the rights of all concerned, that their
19 minds should not be changed. I can't believe that the
20 Defendant, Mr. Cesaro, would want to waive his right of
21 cross-examination, unless he is conceding that everything
22 that was said by the first witness is absolutely unrebut-
23 table and unquestionable. If he's waiving the right to
24 cross-examine, then he's assuming, he's admitting that

1 everything presented by the Mayor and Mr. Piccirilli yes-
2 terday cannot be contested, and if that's the point, then
3 he should stand up orally and waive his cross-examination,
4 because I don't want to be a part, if these proceedings
5 are brought to a court, to have to participate in what the
6 court would say, denying Mr. Cesaro his right to cross-
7 examine witnesses. Every court in the country has said
8 that is a fundamental right --

9 MR. SALVATORE. This is not a court.

10 MR. PEARLMAN. It is.

11 MR. SALVATORE. It's not, it's a hearing.

12 THE PRESIDENT. You're out of order.

13 MR. PEARLMAN. This is a judicial hear-
14 ing; the Council is sitting in the nature of a judge and
15 jury, and this is a personnel-type hearing, and any of you
16 that have sat on personnel boards or are acquainted with
17 how they operate, at no time do they deny the right of
18 cross-examination to either side. So this would be un-
19 precedented, even in Rhode Island, where sometimes we do
20 things very politically. I would urge my Brothers to con-
21 sider this very carefully because, again, the Council is
22 going to look like fools. Now, there's another question
23 also, Mr. President, and that is, in the event this pro-
24 posal passes by a majority, those of us who feel that rights

1 are being deprived have to think seriously whether we want
2 to participate in an illegal and unconstitutional proceed-
3 ing. And there is a serious question as to whether or not
4 we should not consider walking out and depriving this Coun-
5 cil of a quorum, which would be 18 people, and that would
6 throw this entire meeting into chaos because I think, unless
7 you have 18 members present, and somebody questions the
8 quorum, there would be no opportunity to proceed with any
9 type of valid hearing, and I suggest that this not be taken
10 lightly, because even a minority has rights, and we have
11 rights, and there is no reason why we should participate
12 in an illegal hearing. I would have to caucus with those
13 who are of like mind, but I think we ought to discuss that
14 in the event this motion carries by a majority vote, be-
15 cause we need 18 people here to operate.

16 THE PRESIDENT. A motion has been made
17 and seconded, all in favor say Aye to change the rules,
18 all in favor, Aye.

19 (VOICE VOTE)

20 THE PRESIDENT. No.

21 (VOICE VOTE)

22 MR. PEARLMAN. I request a roll call
23 vote.

24 THE PRESIDENT. Yes.

ROLL CALL VOTE TAKEN:

1 Council President Fagnoli: Aye.
 2 Mr. Addison: Aye.
 3 Mr. Almagno: No.
 4 Mr. Boyle: Aye
 5 Ms. Brassil: Aye.
 6 Mr. Cirelli: No.
 7 Mr. Cola: No.
 8 Mr. Dillon: Absent.
 9 Mr. Easton: Aye.
 10 Mr. Farmer: No.
 11 Mr. Flynn: No.
 12 Mr. Glavin: Absent.
 13 Mr. Griffin: Absent.
 14 Mr. Johnson: Aye.
 15 Mr. Lynch: Aye.
 16 Mr. Mansolillo: No.
 17 Mr. Moise: Aye.
 18 Mr. O'Connor: Aye.
 19 Mr. Paolino: Aye.
 20 Mr. Pearlman: No.
 21 Mr. Pennine: Absent.
 22 Mr. Petrosinelli: Aye.
 23 Mr. Salvatore: Aye.
 24 Mr. Snowden: No.
 Mr. Stravato: Aye.
 Mr. Xavier: Absent.

THE PRESIDENT. Thirteen Ayes, eight
 no's, five absent; the resolution to the amendment is passed.

(MOTION PASSED)

MR. PEARLMAN. Mr. President, I'd like
 to ask for a recess so that those of us who voted no may
 caucus.

THE PRESIDENT. Five-minute recess.
 Council is at ease.

(RECESS 8:35 - 9:12 P.M.)

THE PRESIDENT. Clerk, call the roll.

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

14 THE PRESIDENT. Twenty-one present, five
 15 absent. We have a quorum. Mr. Piccirilli.

16 MR. PICCIRILLI. Mr. President and Mem-
 17 bers of the Council, I'd like to make a statement for the
 18 record. I know to some Councilmen this might seem unusual,
 19 but since this is a quasi-judicial proceeding, I must pre-
 20 serve for the record, the events which have transpired this
 21 evening. Last evening at 7:30, I met with many of the
 22 Councilmen and counsel, attorney for Mr. Cesaro, and we
 23 spent approximately one hour developing some ground rules,
 24

1 which we thought would lead to a fair hearing in this re-
2 gard. Those rules call for the rules of evidence being
3 applicable, that each party would have the right to cross-
4 examine witnesses, call witnesses and subpoena witnesses.

5 The reason that we did this was because the hearing
6 the Council was conducting was not a hearing which was
7 legislative in nature, but a hearing which was quasi-judi-
8 cial in nature. The charges brought against Mr. Cesaro
9 were serious charges which could lead to his removal, and
10 due process, fundamental due process, guaranteed to Mr.
11 Cesaro and every other person in the United States, would
12 call for Mr. Cesaro to have the right to confront and cross-
13 examine his witnesses, and that's what was being afforded.
14 The Council, I believe, acted in error in changing those
15 procedural rules to destroy the substance of due process
16 rights that Mr. Cesaro has. However, since that is the
17 ruling of the Chair, I have no alternative but to abide by
18 it and also to abide by the other rules set by the Council,
19 and I'll try to do the best I can. With that I'd like to
20 call my next witness. I'm calling Mr. Cesaro under the
21 Adverse Witness Statute, 9-17-24.

22 MR. MOISE. Mr. President.

23 MR. CHAIKA. I object for the record.

24 MR. MOISE. Mr. President. Last night

1 we were in the process of questioning Mayor Cianci and five
2 minutes of eleven, I wanted to talk to him, and he walked
3 out. We adjourned the meeting, and I'd like to continue
4 that process.

5 MR. PICCIRILLI. I hate to interrupt
6 but we have complied with the rules set down by the Council.
7 The new rules set down call for examination of the witnesses
8 and cross-examination by the City Council. The City Council
9 did cross-examine Mayor Cianci last night and then yielded
10 its cross-examination. We have complied with the rules and
11 I'd like to call my next witness. I'd ask Mr. Cesaro to
12 take the stand please.

13 MR. JOHNSON. I have a question for
14 counsel. Was he -- I don't know your proper terminology --
15 was he dismissed as far as everyone was concerned?

16 MR. PICCIRILLI. As far as I know, the
17 Council dismissed him.

18 MR. JOHNSON. Is this true from the
19 records everyone has, that he was dismissed and no one else
20 wanted to question the Mayor?

21 MR. PICCIRILLI. It was five minutes to
22 eleven and there was plenty of time for Council to question,
23 I presume --

24 MR. JOHNSON. That's presumption on your

1 part, Counselor. Hadn't they at that particular time set
2 11:00 for adjournment? That was my other question.

3 THE PRESIDENT. I asked the attorney for
4 Mr. Cesaro if he wanted to cross-examine the Mayor and he
5 said he did not wish to cross-examine at that time.

6 MR. JOHNSON. At this time.

7 THE PRESIDENT. At that time last night.
8 Now we changed the rules.

9 MR. JOHNSON. We haven't changed those
10 particular rules.

11 THE PRESIDENT. We changed the rules,
12 you can't cross-examine.

13 MR. EASTON. Mr. President.

14 THE PRESIDENT. One at a time.

15 MR. JOHNSON. That was my question, I
16 thought the Council still had it in their purview to ques-
17 tion any of the witnesses.

18 MR. MANSOLILLO: Mr. President, point of
19 order. Firstly, for the sake of the record, we have a
20 recorded proceeding. Secondly, I know the Councilman John-
21 son was not present last evening near 11:00 when, when var-
22 ious Councilmen had asked the Mayor questions. That ques-
23 tioning came to a conclusion and the questioning was turned
24 over for cross-examination to Mr. Chaika. Mr. Chaika,

1 because of the time, indicated no use getting started now,
2 it was five minutes to eleven, therefore let's wait until
3 tomorrow. So indeed the council's cross-examination is
4 concluded.

5 MR. MOISE. Do we have the tapes from
6 last night?

7 MR. JOHNSON. Who made the determination
8 that it was concluded. I raise that question again. We
9 all didn't, unless it seemed to be the universal opinion of
10 this Council --

11 THE PRESIDENT. Your leadership had a
12 meeting way before you came in last night, and they decided
13 what time to shut off the meeting, and it was 11:00, and
14 at the time I asked the counselor if he wanted to cross-
15 examine the witness, he said no, it was kind of late, it
16 was about ten minutes of eleven.

17 MR. JOHNSON. So you are answering my
18 question that they had not concluded their cross-examination
19 of the Mayor then?

20 MR. STRAVATO. What happened was the Mayor
21 was under questioning by members of the Council and he
22 walked out. When the meeting was recessed, the Mayor was
23 still under questioning by the Council members.

24 MR. JOHNSON. Would the stenographer

1 have that on tape?

2 THE PRESIDENT. You weren't here last
3 night.

4 MR. JOHNSON. That's why I am asking the
5 stenographer so that I can hear it.

6 THE PRESIDENT. We adjourned, not ad-
7 journed, but just continued our meeting for the following
8 night. So you want her to go back. You want her to go
9 back to last night?

10 MR. SALVATORE. To expedite things --

11 THE PRESIDENT. She's got to go back to
12 last night. Councilmen Johnson would like to know what the
13 last few words before we continued the public hearing. So
14 would all the Councilmen sit down for the present time
15 until she comes up with that.

16 (LAST FEW MINUTES OF PREVIOUS
17 EVENING'S HEARING READ)

18 MR. SNOWDEN. Mr. President, taking up
19 the same line from what the stenographer just read, I asked
20 last night that you make a ruling as to whether or not the
21 Councilmen should be held to germane questions and also
22 questions that were brought up with the original testimony
23 so that we not get far afield.

24 MR. JOHNSON. What is a germane question?

1 MR. SNOWDEN. Germane question, under
2 the rules, although we changed them, what we were working
3 under last night, were the rules of evidence, and that is
4 that you cannot ask a witness a question that is not brought
5 up in the original examination, and also that you cannot
6 just stray as one of my dear fellow Councilmen did last
7 night.

8 MR. EASTON. In the meantime, if Council-
9 man Moise and others have questions, can someone be dis-
10 patched to get the Mayor and ask him to return to the stand
11 so Councilman Moise can ask questions?

12 THE PRESIDENT. Counselor, do you want to
13 call the Mayor, some of the Councilmen, I understand Coun-
14 cilman Moise has a few questions to ask the Mayor. He's
15 been waiting patiently all night.

16 MR. PICCIRILLI. I thought he was ex-
17 cused. I'll see if he is still in the building. I'll go
18 look.

19 Mr. LYNCH. He was excused for the even-
20 ing, just last night.

21 THE PRESIDENT. Mr. Johnson, do you wish
22 to say something?

23 MR. JOHNSON. In the interest of speeding
24 this hearing along, and the Mayor is not available. Seeing

1 as how we don't want to waste everyone's time, wouldn't it
2 be wise to continue it until some future date until the
3 Mayor is available?

4 THE PRESIDENT. We have to find out first
5 if the Mayor is available.

6 MR. MOISE. The question is irrelevant
7 to testimony.

8 Mr. President, if the Mayor doesn't come in, I move
9 that he be subpoenaed here. Do I have a second?

10 (APPLAUSE)

11 MR. ALMAGNO. Mr. Chairman, on the new
12 rules tonight, was it still 11:00?

13 THE PRESIDENT. They haven't changed
14 that yet.

15 MR. ALMAGNO. I mean are you going to
16 change it? I have got a bus schedule, the last bus leaves
17 at ten past eleven.

18 MR. MANSOLILLO. I know Councilman Addi-
19 son is a naturalist in interpreting the word from TV, so when
20 the ruling comes in that we are going to stay after 11,
21 please let us know.

22 MR. JOHNSON. That is a character assass-
23 ination at this particular time.

24 THE PRESIDENT. You are out of order.

1 The Council will be at ease.

2 (COUNCIL AT EASE)

3 THE PRESIDENT. Clerk, call the roll.

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

THE PRESIDENT. Twenty-one present, five
absent; we have a quorum. The Mayor would like to make a
statement.

THE WITNESS.. It is my understanding
that the Council rules were changed. First of all, let me
state originally when I submitted charges concerning Clement
Cesaro, I looked at the Charter of the City of Providence

1 and looked at it and came to the conclusion that there
2 would be a hearing. That hearing was agreed to yesterday,
3 the procedure that would be utilized was agreed to yester-
4 day, as to the presentation of witnesses, the right to
5 cross-examine. As I understand it, not being privy by the
6 meetings held by the leadership of this Council, that once
7 the rules would be made, there would be cross-examination
8 and presentation of the case, and now the Council in its
9 wisdom has decided to change those rules and change them
10 by stating that no right of cross-examination would be al-
11 lowed on the part of the opposing counsel. That is, that
12 I would not be cross-examined by Mr. Chaika, which I would
13 welcome, by the way, and Mr. Piccirilli would not cross-
14 examine any witnesses put forth by Mr. Cesaro. To me,
15 that's a strangulation of these hearings and it is not the
16 open kind of hearing or forum that this Council should be
17 noted for. However, this hearing, which is now amounting to
18 not really a procedure where we all can get to the bottom
19 of the charges, but is just a hearing that we are having
20 for the sake of having it, to get through with the hearings
21 so everyone can vote the way they are supposed to vote. As
22 far as I am concerned, a lot of you say well, the Mayor
23 should get up and leave, but because of matters which are
24 coming forward in the future, which I am not at liberty to

1 discuss, I'm going to stay here and I'm going to testify
2 anyway that the rules permit. However, I must voice my
3 objection as the Mayor of the City of Providence, as the
4 Chief Executive, and as a person who has legislative powers
5 in the City of Providence, by my action as Mayor, I can
6 veto certain ordinances, etcetera, that come to my atten-
7 tion. So it is not the fact that we are all here to ob-
8 serve a proceeding that most of us know what the outcome
9 will be. What we are here for is really to present the
10 evidence and put people on the record, so that in the
11 future, we all know where everybody stands, and on the
12 record as far as witnesses are concerned. So I will stay
13 here, and we stated we'd go to 11:00 and I'm willing to
14 stay to 11:00 each and every night of these hearings. I
15 am not willing to stay beyond 11:00 for one important
16 reason, that, as you know, the city has many obligations
17 and as Mayor I have many obligations, this hearing is
18 taking your time and my time, and as a courtesy, I would
19 appreciate, since we made a rule that we stay to 11, that
20 we stay to 11, and procedurally take on whatever matters
21 that come before this particular body concerning this
22 particular hearing, but I am not going to stay here until
23 two or three or four in the morning, as I understand some
24 of you want to, for one important reason, see, I have a

1 sanitation problem in the city, meetings, negotiations, I
2 have bankers to meet with, and I have got to get on with
3 that business too, but I'm willing to stay here until 11
4 and be subjected to cross-examination by Mr. Chaika and by
5 any member of this Council, although last night, I was sub-
6 jected to cross-examination by members of this Council and,
7 as I recall, Mr. Fargnoli excused me and the record was
8 read back, and on two occasions excused me after the Coun-
9 cil had finished their cross-examination, and Mr. Chaika
10 stood up in his seat and he said, when he was ready to
11 begin his cross-examination, he stated that he would wait
12 until tomorrow evening to begin because there was only four
13 or five minutes left on the schedule, isn't that right? I
14 believe that's what happened when we read it back. And now
15 we meet again tonight, and after we assemble, there is a
16 rules change, and that rules change says that there will be
17 no cross-examination of witnesses. I don't really know, to
18 be perfectly candid with you, and speaking with all candor,
19 how we, as elected government officials, working under the
20 Charter, existing Charter of the City, can state that we're
21 going to have an open hearing and restrict the right of
22 cross-examination. But that's your decision and if you
23 make that decision, you make it for your own reasons, but
24 the public and the people of the City of Providence have

1 the right to know, they have the right to hear what the
2 Mayor says under the scrutiny of skillful cross-examination
3 by a skillful attorney representing the person who is up
4 on charges here.

5 Also, Mr. Cesaro should be cross-examined by the city's
6 attorney, or by the administration's attorney, and I think
7 that's only proper and it is only fair. Now, if we are not
8 going to have fair play here, then there's no reason to
9 continue. Now, I will stay here for my own reasons, and if
10 you want to go right down the list of Council people to
11 cross-examine me, I'd be very happy to answer all their
12 questions, but as I said, I don't want to continue this to
13 an unreasonable hour, because I think the gallery, the
14 press, and the Council people who many of them work in the
15 morning, should not have to stay here until two or three
16 in the morning. So, I will go on and be subjected to the
17 cross-examination of the Council, although I only wish
18 that we could proceed in an orderly fashion of due process
19 where the right of cross-examination is preserved and we
20 don't change the rules in midstream, which is obviously
21 what the majority of this Council has decided to do.

22 THE PRESIDENT. Councilman Easton.

23 MR. EASTON. I think one of the things
24 we wish to avoid is a lengthy debate on politics and how we

1 should get to the bottom of things. I think the thing that
2 we agreed on last night was that even though at the 11th
3 hour we were informed that the various lawyers were going
4 to escort the leadership downstairs and agree on various
5 rules, and that when those rules came up here we were not
6 privy to discussion that had taken place to set the rules
7 and we said at that time we had reservations and reserved
8 the right to amend those rules, which right we exercise
9 tonight. I think my only interest, and I think the interest
10 of those that voted in like manner with me, was that rather
11 than be subjected to a lengthy bit of arguing that was going
12 to drag out this proceeding while the city literally is
13 buried in garbage and there is severe problems within the
14 Public Works Department, that what we really want to do to-
15 night is hear your side of the story, hear Mr. Cesaro's
16 side of the story and anyone else that is relevant to it,
17 and not go back and forth with a court proceeding that can
18 take place in court. That's the reason that we decided on
19 those rules, we did decide on those rules and I think we
20 should get down to it now, and I'd like to be recognized for
21 the purpose of asking some questions of the Mayor.

22 **THE WITNESS.** In response, just let me
23 say in all honesty, that we want to present our side of the
24 case for the edification of the Council. Now, the charges

1 that are presented here, involve many witnesses because it
2 was a long time between the 13th or so of November and the
3 17th or 18th, and in order to present those charges and
4 present those witnesses, we can't be restricted to five
5 minutes on a stopwatch. There's no way that you can re-
6 strict the right of freedom of speech in the presentation
7 of a case, and I just think it is unfair on the part of
8 the Council to say to the Mayor of the City that you are
9 restricted, and you can only hear from the witnesses for
10 five minutes. It reminds me of a game show on television,
11 ~~Beat~~ the Clock. I don't think that we want to do that.
12 I think that the Council, in all its deliberation, wants
13 to get to the bottom of this, wants to hear all the evi-
14 dence it has to hear, and certainly if a person takes the
15 stand, when five minutes rolls around, does that mean that
16 that particular witness cannot testify any longer? Then
17 there may be witnesses that are presented by the city that
18 do not work for the City of Providence, that may not be
19 citizens of the City of Providence, that might come from
20 other investigative bodies of the Federal and State govern-
21 ment, and I don't know why we would want to restrict them
22 to just five minutes of testimony. I think that would be
23 certainly not keeping in line with the duty of the Council,
24 especially when the serious charges are pending. It does

1 not lend to fairness to Mr. Cesaro --

2 MR. SALVATORE. Point of order, Mr.
3 President.

4 THE WITNESS. ...And does not lend to
5 fairness on the part of the administration.

6 MR. SALVATORE. May we proceed with the
7 questioning.

8 THE PRESIDENT. Yes, Councilman Easton.

9 BY MR. EASTON:

10 Q. Mr. Mayor, last evening I discussed with you the question
11 regarding overtime authorization within the Department of
12 Public Works because you had stated under oath in your
13 testimony that you felt that Mr. Cesaro would have been
14 perfectly within his rights to have called back people on
15 overtime, and I reminded you that it was my recollection
16 that you had issued an order that no overtime be worked?

17 A. Except in emergencies.

18 Q. ...And you said except in emergencies; can I ask when you
19 issued that order?

20 A. I'd have to check the records and get the Executive
21 Order that was sent down.

22 Q. It was an Executive Order?

23 A. Yes, it was.

24 Q. I would like to read to you, if I might, and I'll be happy

1 to give a copy to the Clerk, Executive Order Number 16,
2 which was issued on December 14, 1979, to all Department
3 Heads and Directors, and it says, "In order to continue our
4 practice of cost effectiveness and to eliminate waste wherever
5 and whenever it occurs, I'm hereby ordering a complete
6 stoppage of all overtime work by all employees, excepting
7 all six-day work crews, all those involved in garbage col-
8 lection, and rubbish collection and those required to work
9 in the Sewage Treatment Plant. This order is effective
10 immediately and may be amended only with the permission of
11 the Mayor." I would like to point out to you, Mayor, that
12 I don't believe it says anywhere in this Executive Order
13 that that excludes emergency overtime. It says nothing
14 about emergency overtime. It simply says --

15 THE WITNESS. Is that a question?

16 MR. EASTON. Well, I guess it's a re-
17 minder.

18 Q. I guess the question would be, am I in error in the reading
19 of this --

20 A. You are not in error, that's the Executive Order, if
21 that's the one you are holding in your hand, yes, I did give
22 an Executive Order. However, there were meetings and di-
23 rectives where of course overtime would be authorized in
24 emergencies and certainly Mr. Cesaro and others were

1 instructed as to that; certainly the Director of Public
2 Works or any Director would have authority to call over-
3 time and I believe there was a subsequent document, although
4 I do not remember the exact date of that document, that
5 would have authorized emergency overtime. Certainly any
6 public official who has the charge and responsibility of a
7 city, in the time of an emergency, would be authorized to
8 call in overtime, and you know something, if there were a
9 snowstorm, if there were an ice storm where there were in
10 fact lives at stake and mobility of the citizens at stake,
11 especially emergency situations, certainly a director has
12 authority to call in overtime people. As a matter of fact,
13 I don't think that even is a pertinent question as far as
14 this is concerned because I think also there was a subse-
15 quent order, I don't have it in front of me, that stated
16 overtime would have to be approved by my office and anyone
17 knew there was an emergency that evening and we never got
18 a call asking for the extension of overtime.

19 Q. My second question --

20 A. ...And certainly, in further response to your question,
21 it would seem appropriate that anyone who was not sleeping
22 at the switch or anyone who was doing their job, with the
23 sworn duty that that person had in a department, if in
24 fact an Executive Order was given, and there was an

1 emergency, that particular Chief Executive Officer who has
2 discretion in his particular job, would have the reasonable-
3 ness certainly to contact the person who signed the Execu-
4 tive Order and ask in fact if he was authorized because of
5 an impending emergency to call in overtime troops or over-
6 time workers.

7 Q. My second question, yesterday in your testimony you men-
8 tioned that when you reached Mr. Lembo, you discovered that
9 he had been out negotiating with private contractors on
10 orders of Mr. Cesaro for snow removal. My question is,
11 don't you think that that might be evidence of an attempt
12 to comply with your directive, which it seems to me, may
13 have been too short a period of time for him to comply to
14 attempt to put together a program for adequate snow removal.

15 MR. PICCIRILLI. Mr. President, I'd like
16 to object to these questions. The reason that I'm going to
17 object to this line of inquiry on the part of Council is
18 that the Council is not acting as a deliberative body but
19 it is actually assuming the role of either prosecutor or
20 defense. I thought the rules we were operating under would
21 be that the City Council would ask questions for clarifi-
22 cation but these questions seem to lend themselves to
23 actually a defense on the part of Mr. Cesaro, and I object
24 strenuously, because I'll not have that opportunity to

1 question Mr. Cesaro and his witnesses.

2 MR. EASTON. Mr. President, if I may,
3 it seems to me it's perfectly within the purview of this
4 Council for any member to attempt to interpret what the
5 Mayor's frame of mind was and whether or not the Mayor
6 thought --

7 THE WITNESS. My frame of mind, I'm not
8 on trial here, I think you have got it all turned around.
9 I am not charged with anything.

10 MR. EASTON. If the Mayor is through,
11 can I proceed?

12 THE WITNESS. I think that just buttresses
13 Mr. Piccirilli's objection.

14 Q. ...And whether or not the Mayor had reason to believe that
15 Mr. Cesaro was purposely defying his orders or whether or
16 not there was an attempt to comply, which I think we need
17 to get to in order to decide whether or not the action is
18 proper.

19 THE WITNESS. Yes, I'll waive the objec-
20 tion Council, in the spirit of openness here, why don't we
21 just try to answer all these questions, as planted as they
22 may be.

23 A. I spoke to Mr. Lembo after I had relieved Mr. Cesaro
24 and put Mr. Lembo in charge, and I had him for an interview

1 in my office the next day, and he informed me that Mr.
2 Cesaro had asked him on the day of the snowstorm, in fact
3 I believe it was the afternoon of, to go around -- this is
4 after the storm warning -- and as everyone knows, or at
5 least as I know, in the past, we do hire private contract-
6 ors. Those contractors are not called in until a storm
7 reaches a sufficient magnitude. As a matter of fact, the
8 storm that we had, there was probably clearly evident to
9 those people who are involved in public works, that private
10 trucks, certainly plows, would not have been called in but
11 city equipment would have been used, but because the Board
12 of Contract and Supply had already authorized the Public
13 Works Director to negotiate with private contractors for
14 the winter season, that had not been done, and yes, I have
15 given a directive that it would be done earlier in the week
16 or the previous week, and Mr. Cesaro called Mr. Lembo into
17 his office, I'm told, and Mr. Lembo stated that he asked,
18 Mr. Cesaro asked, Mr. Lembo to drive around to 20 or 25
19 private contractors to sign them up that afternoon. And
20 Mr. Lembo said to him, "How could I possibly drive around
21 on the afternoon of a snowstorm to go sign up 25 or 22 pri-
22 vate contractors in an afternoon." He'd be on the road
23 until kingdom comes. So normally in the city what occurs
24 and if you check the records, you'd see that those private

1 contractors are hired well in advance of the time of
2 November 18 or 20, whenever it was, or 17. Also, the fact
3 remained that there were at that time no spreaders that
4 were completed in our city equipment.

5 BY MR. MOISE:

6 Q. Mr. President, I have a few questions I'd like to ask. Is
7 it a fact as a result of the layoffs ordered by you, the
8 Mayor of Providence, the day before, that there was a con-
9 tinuing controversy over city workers layoffs before and
10 after the date of the storm?

11 MR. PICCIRILLI. Objection.

12 A. I will answer the question. We all know what's going
13 on.

14 THE PRESIDENT. Excuse me, I want to
15 notify Councilman Moise those charges are not on the
16 charges of --

17 THE WITNESS. Out of deference to the
18 Councilman, I would certainly answer the question, after
19 all he is an elected official of the City of Providence.

20 A. There was a layoff in the City of Providence, correct.
21 Some time prior to the layoffs I requested, from Department
22 Directors in the City of Providence, a fact sheet on what
23 they could run their department with, because we were ex-
24periencing budgetary difficulties, and one of the ways we

1 could reduce the work force was by laying off certain em-
2 ployees. That was, as you know, is still and the Arbitra-
3 tor tomorrow morning, as a matter of fact, we have to be
4 in court on that matter and before the Labor Relations
5 Board and then other hearings after that. I asked all
6 the department directors to submit to me, a report on what
7 they could run their department with, or without. Just
8 about every department director responded. Mr. Cesaro
9 never once sent to me a report pro or con; in other words
10 he just ignored it. At the time of the layoffs, and we'll
11 be able to present further documentary evidence that at the
12 time of the snowstorm, there were working in the Department
13 of Highway, Division of Highway, 115 laborers, seven heavy
14 equipment operators. Now there could have been six but I
15 believe it was seven, I'm testifying from memory now, and
16 59 or 57 equipment operators, who were on the payroll sub-
17 sequent to the layoff. Now the night crew came in at 11:00.
18 Present there that evening, according to the time sheets,
19 which also will be entered into evidence if we can do it
20 all within five minutes, is the fact that there was a heavy
21 equipment operator who was there at 11:00 P.M. that evening.
22 And as you know, by your vigilance, because the Public Works
23 Department is in your ward and you have been down there
24 many times.

1 MR. MOISE. I'm a very vigilant Council-
2 man.

3 A. ...I know that there is the necessity of having our heavy
4 equipment throw salt and sand onto the trucks as they come
5 in, so there was a heavy equipment operator by the name of
6 Mr. Lima, I believe, although I could be wrong, who was on
7 duty that evening, so yes, there was a layoff, yes, there
8 was a reduction in force and reduction in personnel. There
9 were on duty at 11:00 that evening, the night crew, and we
10 will be able to furnish this City Council with the workers
11 who got overtime as a matter of fact that evening, and also
12 the numbers of workers that evening who were present. As
13 a matter of fact, Mr. Moise, Mr. Councilman Moise, I per-
14 sonally spoke to a number of members of the Public Works
15 Department who were on duty subsequent to 11:00 that evening,
16 so I know they were there.

17 Q. You had said for a storm is S.O.P., Standard Operation Pro-
18 cedure. It has always been a natural plan for the procedure
19 to be like it was this year, like it was last year and the
20 year before. It is a standard operation, where there's a
21 storm, the guys man their plows, do their job. They got
22 teams and everything else.

23 A. There were no plows.

24 Q. I want to get to that question. Is it a fact that huge

1 sand spreaders and plows were not mounted on trucks and
2 the regular employees that do that job weren't available
3 prior to the oncoming storm?

4 MR. PICCIRILLI. I object.

5 MR. MOISE. These are relevant to what
6 he testified last night.

7 MR. PICCIRILLI. Council President, the
8 charge is insubordination. If this is a matter of defense
9 of Mr. Cesaro, the question would be better asked of him.

10 MR. MOISE. I will ask him the same
11 question.

12 MR. PICCIRILLI. I object strenuously.

13 MR. MOISE. I will ask the same ques-
14 tions of both men.

15 THE PRESIDENT. According to the charges,
16 it is not on the charges.

17 MR. MOISE. It's right here that Clement
18 Cesaro has been guilty of insubordination, I emphasize that,
19 insubordination for failure on November 17, 1980, to pro-
20 vide me a written report concerning snow removal plans,
21 and I noted next to it, S.O.P., Standard Operating Pro-
22 cedure for the last 30 years. That's my question.

23 MR. PICCIRILLI. I don't know what the
24 question asks.

1 THE WITNESS. I can't testify to, Mr.
2 President, as to what occurred 30 years ago, seeing I was
3 not here.

4 MR. MOISE. Go to last year, is it a
5 fact that it is rare that in Providence we get snow before
6 Thanksgiving and the plows are prepared?

7 MR. PICCIRILLI. Mr. President.

8 MR. MOISE. I'm just making it for the
9 record.

10 Q. Fourth question, why did you order, in your testimony last
11 night --

12 THE PRESIDENT. Please be quiet.

13 Q. ...last evening, you testified that you called Charlene
14 Hall and Mr. Tibaldi, why did you order Frank Tibaldi, the
15 City Traffic Engineer, who is an expert in his profession,
16 to the Highway Department when he doesn't have the authority
17 in that department to give orders?

18 A. I will answer that question. First of all, I have
19 testified I tried to reach Mr. Tibaldi, I tried to reach
20 Mr. Cesaro without avail, or without success, I then tried
21 the Public Works Department and learned nothing was happen-
22 ing, in my office around 6:30 at night, realized that Mr.
23 Tibaldi, who used to be the one in charge of the snow re-
24 moval, and what was the other title you had?

1 MR. TIBALDI. City Construction Main-
2 tenance.

3 A. ...City Construction Maintenance and used to be, in
4 the 30-year period at some point, Councilman Moise, the
5 man in charge of snow removal, as the City Traffic Engineer,
6 as a matter of fact discussing and deciding what the mix-
7 ture of sand and salt is as the temperature dropped.

8 That's his expertise, I believe he has a Masters Degree
9 in Traffic Engineering. As a result, a city Mayor can call
10 on many resources and I sent Mr. Tibaldi down to the garage
11 because of his familiarity not only as a traffic engineer
12 professionally, but also because he had previous experience,
13 as a matter of fact was in charge of snow removal in the
14 City of Providence under a previous administration, so I
15 depended upon his knowledge, his expertise, and sent him
16 down to see exactly what the status of the equipment was
17 and the status of the personnel was and the deployment of
18 personnel. I reached him and some time, as I testified to,
19 around, I personally saw him around 9:00, but he was per-
20 sonally reached at some time I believe around 6:30.

21 Q. Twelve midnight you testified last night.

22 A. No, as I said, he went down to the Public Works Garage
23 if I can refresh your recollection.

24 Q. 9:00 A.M.

1 A. That's not what I said, I said at 9:00 P.M. he came
2 to my house. As I was pulling up to my house, he came to
3 my house. Some time after that, after some calls were
4 made, Mr. Cesaro spent -- I'm sorry -- Mr. Tibaldi spent
5 from approximately 10/10:15, somewhere around there, down
6 to around 2:00 at the Public Works Garage. I had conver-
7 sations, telephonically with him in between that time, and
8 also subsequent to that, Mr. Cesaro -- sorry -- Mr. Tibaldi
9 returned to my home and we had further discussions concern-
10 ing the state of readiness and the deployment of personnel
11 and he reported to me on the unsatisfactory conditions as
12 Traffic Engineer of the City of Providence, which he by
13 the way is detailed to do by this Council in the City of
14 Providence because, I believe, you appointed him to the
15 job.

16 Q. On the third charge, was there such a public health and
17 safety hazard that it wasn't even that bad that you didn't
18 have to close the schools that day?

19 MR. PICCIRILLI. I object.

20 THE WITNESS. Was it such a public health
21 and safety hazard that I didn't have to close the schools
22 that day?

23 MR. MOISE. Yes.

24 THE WITNESS. Let me --

1 MR. SNOWDEN. Mr. President, we have
2 asked -- I have asked a number of times, that questions
3 not be speculative, that questions not call for a conclu-
4 sion in other fields, and that questions somewhat allude
5 to what was asked on the original examination. Now, if
6 you are going to ask why schools weren't closed, I never
7 heard of a Mayor closing the schools -- if you want to
8 know why schools weren't closed, ask the Superintendent of
9 Schools. The Public Safety Commissioner does not close
10 schools either, by the way. The question becomes, are we
11 trying to get at the Mayor's responsibility or are we
12 simply trying to ask questions? Now, if we are trying to
13 establish responsibility, I think that you as the Chair,
14 should make some ruling on the limit of where the question-
15 ing goes.

16 THE PRESIDENT. I will sustain that.
17 The Mayor would like to answer that.

18 THE WITNESS. I will answer Councilman
19 Moise's question.

20 A. The point is, why schools weren't closed. If you
21 were out, as I suspect you were, that the critical hours,
22 by 4:00 or 5:00, the conditions were rough in the City of
23 Providence, as further testimony will indicate. Police
24 officers will testify, as will people from the Weather

1 Bureau. However, approximately 7/8:00, and I'm not a
2 weather man, but I did personally observe the situation,
3 approximately 7:00 or so, or 6:30, I can remember going out-
4 side, maybe it was a little earlier than that, maybe 5:00,
5 going outside my home and seeing that it was warming just
6 a little and it turned to rain. There were several inches
7 of snow on the ground. The driving conditions at that time
8 were hazardous and certainly warranted sanding and salting.
9 The schools were closed in some communities, I believe Bur-
10 rillville in the Northern part of the state and other cities
11 were closed. At that particular point, I asked staff,
12 Charlene Hall and others, to get in touch with members or
13 the Chairman of the School Committee in order to get her
14 opinion as to whether schools should be closed. I don't
15 recollect, but I believe I did call Dr. Jones and informed
16 him of the weather conditions in the city at that time.
17 My best recollection is that I did, but I was up for a
18 number of hours and from my best recollection, I suggest
19 you call him in and ask him, but my best recollection is I
20 did call him concerning the schools. I can tell you that
21 he said -- I believe he told me, he'd try to keep the schools
22 open. If he couldn't, he wouldn't. Some schools were
23 closed, others weren't. Some will attest to the conditions
24 of the roads, some of the schools were opened an hour later

1 or two hours later, but we had a storm warning, we had
2 snow, we had rain, there was icing, and besides that, as
3 the weather people will show, there were, to say the least,
4 hazardous conditions within the City of Providence, and
5 furthermore, the rain that came kind of eased conditions,
6 but that rain did not come until the late -- well, late --
7 approximately 7:00 or 6:30, something like that.

8 THE PRESIDENT. Councilman Stravato.

9 BY MR. STRAVATO:

10 Q. Mayor, who, in your opinion, is in charge of the snow re-
11 moval in the City of Providence?

12 A. The Director of Public Works.

13 Q. Director of Public Works?

14 A. That's correct.

15 Q. Did you make any conversation the day of the snowfall with
16 Mr. Dambrosco?

17 A. I don't recall if I had any conversation with Mr.
18 Dambrosco or not.

19 Q. Do you know whether or not the dispatcher called Mr. Dam-
20 brosc o?

21 A. Could have, but I don't remember.

22 Q. You are saying the Public Works Director is in charge of
23 snow removal?

24 A. That's correct, he has the overall responsibility of

1 snow removal in the City of Providence.

2 Q. I'd like to read to you and the members of the Council, a
3 directive I have before me that's signed by Vincent A.
4 Cianci, Jr., Mayor, its dated December 21, 1979. It's
5 addressed to Clement Cesaro, Director, Department of Public
6 Works, 700 Allens Avenue, Providence, "Dear Mr. Cesaro:
7 This is to confirm our recent conversation that Ernest
8 Dambrosco and Peter Cannellas will coordinate the snow
9 removal effort within the City of Providence, during this
10 snow season. As you know, the union, myself and you agreed
11 the other day, that this coordination of effort would take
12 place, and I do not expect that any change or deviation will
13 be made from this agreement without my consent."

14 MR. PICCIRILLI. I object.

15 Q. "The snow removal effort in past years have included Mr.
16 Dambrosco as its head, and in order to maintain past
17 agreements with the union, we have reached a conclusion of
18 a co-coordinator of the snow removal effort. Very truly
19 yours, signed Vincent A. Cianci, Mayor of Providence."

20 A. I signed that.

21 Q. I go back to 1977-78 --

22 A. May I respond? Now, you have asked the question.

23 Q. Go ahead.

24 A. Yes, that was signed by me after a meeting with union

1 officials because there was a question as to, I think,
2 even officials had come in, over the fact of who was going
3 to be in charge of calling out the heavy snow equipment
4 from private contractors, and there happened to be a very
5 strong interest on the part of a number of people as to
6 who in fact would be the ones to call in the heavy equip-
7 ment from private contractors. At that time, yes, there
8 was a question of who would be in charge in the pecking
9 order. In other words, of the implementation, but the
10 overall responsibility would be delegated within the de-
11 partment. As you know, the Charter gives the Mayor the
12 responsibility to make decisions where there is a conflict
13 over who would be in charge of snow removal, but Mr. Cesaro,
14 since that time, and including that time, never was it the
15 intent of the administration to remove the powers of over-
16 all supervision over those personnel.

17 MR. PICCIRILLI. Mr. President, I ask that
18 the question be stricken because that applied to the 1979-
19 80 season.

20 A. ...Also that document states for this snow removal
21 season. Since that time we have been to court and since
22 that time we've also been here, and I think there is a new
23 snow removal, certainly, in 1980, - That happened a year ago -
24 There has been a new chain of command, as you know,

1 exercised solely by Mr. Cesaro in the Public Works Depart-
2 ment because of the court case that gives him that author-
3 ity.

4 Q. I can go back years when Mr. Dambrosco was in charge. Let
5 me ask, why knowingly Mr. Dambrosco was in charge of snow
6 removal that you call --

7 A. Yes, the implementation of duties --

8 MR. STRAVATO. Let me finish.

9 A. ...In the implementation of duties, not overall re-
10 sponsibility charged by the Charter.

11 MR. STRAVATO. I didn't finish my ques-
12 tion.

13 THE PRESIDENT. Let him finish.

14 Q. My question was why in fact on the day of the snowfall,
15 you knowingly that Mr. Dambrosco was in charge of snow
16 removal, that you called Mr. Tibaldi instead of Mr. Dam-
17 brosko?

18 A. Because I couldn't reach Mr. Dambrosco. I couldn't
19 reach anybody in the garage; outside of Mr. Melvin, outside
20 of Mr. Bowie, outside of Mr. McLaughlin, but no one cer-
21 tainly in charge.

22 Q. Are you inferring you did try to reach Mr. Dambrosko --
23 you just said they couldn't reach him.

24 A. We tried to reach, yes.

1 MS. HALL. We requested the dispatcher
2 that evening approximately 9:00.

3 A. ...We asked that Mr. Dambrosco, to the best of my
4 recollection, when we knew we had a problem with snow,
5 that we call in people. We couldn't find the Director, and
6 we certainly couldn't find anybody, but who was at the
7 garage at the time, as I testified already that --

8 Q. My question was --

9 A. May I finish my answer? I testified that without our
10 having the ability or the success in reaching anyone, we
11 had Mr. Tibaldi call, because of his traffic engineering
12 capability, to assess us of the situation.

13 Q. You are testifying that there was an effort made by the
14 dispatcher to reach Mr. Dambrosco and he couldn't be
15 reached?

16 A. I don't know what the dispatcher did, but I was look-
17 ing for anyone in charge. Mr. Dambrosco for years has been
18 the one who has been like more or less the first sergeant,
19 but the first sergeant, you know, cannot take the respon-
20 sibility of the general.

21 Q. Is Charlene Hall one of your top aides? Did I just under-
22 stand her to say they did try to reach Mr. Dambrosco and
23 couldn't?

24 A. Yes.

1 MR. STRAVATO. No further questions.

2 THE WITNESS. She's going to be a wit-
3 ness so when she testifies, I think your question is best
4 directed at her.

5 THE PRESIDENT. Mr. Salvatore.

6 MR. SALVATORE. I'll yield.

7 BY MR. MANSOLILLO:

8 Q. Mr. President, Mayor Cianci, to follow up a line of ques-
9 tioning that Mr. Easton began with, had you been advised
10 at any time by Mr. Cesaro in writing or any other form,
11 that he would be absent from the city or on vacation dur-
12 ing this period around November 17/November 18?

13 A. Not to my recollection, and there is an Executive Order
14 that asks for department directors to advise me of their
15 absence from the city. There was no -- the only time that
16 I got a request which was granted, I believe, to Mr. Cesaro
17 in the recent past, was at the time of the -- I believe there
18 was some kind of labor dispute during the layoffs, and when
19 we had the layoffs in the City of Providence, Mr. Cesaro
20 put in for a vacation, but he was back from vacation after
21 that turmoil and he was working. There's nothing on record
22 in my office, either orally, telephonically or in writing,
23 that he had requested any kind of leave of absence or va-
24 cation.

1 Q. So you, as the Chief Executive of the City, could reason-
2 ably expect that he would be on call, particularly in an
3 emergency, that apparently would relate to his duties as
4 Public Works Director?

5 A. Absolutely. Because you see, on the 12th, and the
6 13th, and 14th, we had delivered to him, personally, the
7 exhibit which is attached to the charge, which was the
8 request for the snow removal plan, and it was delivered to
9 his home, it was delivered, I believe, to his office.

10 Q. Did Mr. Cesaro at any time during that period when warnings
11 were of a winter storm or whatever the particular terminol-
12 ogy that the Weather Service uses, during that time that
13 was impending, that impending storm was taking place, did
14 you receive any communications or did you hear from Mr.
15 Cesaro by telephone, asking for your permission to bring
16 back workers so that they could perform standby even for
17 snow removal because certainly we all know that if a bomb
18 is being dropped from a plane, even if it doesn't explode,
19 you go take some shelter. You know, Councilman Moise men-
20 tioned that a moment ago, that's what I thought of, a bomb
21 was dropping and ends up not exploding, I'd still go for
22 shelter, and I think the city would have to make plans,
23 but during that period, did you hear at all from Mr. Cesaro
24 asking permission to bring workers back?

1 A. No, I did not. Not with the bomb doors being opened
2 nor when the bomb was dropping.

3 Q. Then the facts are that you did not seek out the second in
4 command if you had no notice that the first in command was
5 temporarily indisposed because of vacation or absence from
6 the city?

7 A. That's correct.

8 Q. So you expected that Mr. Cesaro would be there for you to
9 call upon in an emergency regarding snow removal in the
10 city?

11 A. That's correct.

12 MR. MANSOLILLO. Thank you.

13 THE PRESIDENT. Mr. Salvatore.

14 MR. SALVATORE. My question was answered,
15 but I did want to take the opportunity to answer the Mayor
16 on a question that he had.

17 THE WITNESS. What right does he have to
18 answer me? What's the question?

19 MR. SALVATORE. You did say you asked if
20 it was like this all the time here in the Council, it is
21 not.

22 THE PRESIDENT. He didn't say that
23 publicly.

24 MR. SALVATORE. I overheard. It is the

1 first time I have been involved in a filibuster here in
2 the Council and it hasn't been by a Councilman.

3 THE PRESIDENT. This is going way out of
4 line right now. That wasn't called for.

5 BY MR. JOHNSON:

6 Q. I have to absolutely say to the Mayor that I appreciate his
7 candor, I appreciate the fact that he has stated when he
8 didn't have to answer some of the questions and I guess I
9 want to get through some of the superfluous bull that's
10 going around, and actually the question I have, I have the
11 feeling that this might be political. The lines are being
12 drawn, we all know what the outcome could be. I'm saying
13 this on the record for different reasons. The question I
14 have for you, and again, did you hire Mr. Cesaro?

15 A. Yes, I did.

16 Q. Did you feel that he was qualified when you hired him?

17 A. Yes, I did.

18 Q. Mr. Cesaro obviously filled the job and did an excellent
19 job for a long period of time?

20 THE WITNESS. You didn't ask me why I
21 hired him.

22 MR. JOHNSON. No, I didn't.

23 THE WITNESS. I'd like to further answer
24 that question, and tell you that the reason why I thought

1 that he was qualified, although I did not think he was the
2 most qualified for the position; however, he came on the
3 recommendation of his brother-in-law, the City Chairman of
4 the City of Providence, who told me that if I appointed
5 him he would get the votes on the Council to put in other
6 members of, you know, let's face it, I have not been re-
7 ceived with a great deal of admiration and, shall I say,
8 kindness in this august body; that's why I am enjoying
9 being here so much. Of course, I'd like to tell you, I
10 would like to tell you the truth and I want to be totally
11 open and totally honest with you about qualifications. I
12 was told that when Mr. Bucci wanted to be the Democratic
13 Chairman of the City of Providence, that if I spoke to
14 Mr. Mansolillo, who has been allied with me on the Council,
15 and I could kind of persuade Mr. Mansolillo to deliver his
16 Ward Committee to Mr. Bucci, and I could speak to Mr.
17 Griffin, who also is allied with me, that we had enough
18 votes to make Mr. Bucci the City Chairman and then, and --

19 MR. SALVATORE. Point of order.

20 THE WITNESS. He asked me qualifications
21 of the man.

22 MR. SALVATORE. Point of order.

23 THE WITNESS. He asked me qualifications.
24 Am I restricted from answering the question that was asked

1 because it happens to be upsetting to some members of the
2 Council?

3 MR. JOHNSON. It is not upsetting at
4 all. I appreciate your answering.

5 THE WITNESS. I'm trying to be candid
6 with Mr. Johnson, he has every right to know.

7 Q. This is what I am trying to, I am going further, because
8 the question here I don't really believe lies with the
9 fact on whether Mr. Cesaro is qualified or whether he did
10 his job. I think what I am leading up to, there seemed to
11 have been some type of vendetta; we had Mr. Cesaro here
12 once before on charges, he was proven not negligent in the
13 carrying out of his duties, so what I am leading to, I guess
14 is saying this, for you to document 6:22 I called the Tele-
15 phone Company, I sit there and I say, 'What are we trying to
16 prove in this situation, is the man nothing more than a
17 vendetta because of political alliances, is this why we are
18 bringing the man in?' And that's my point.

19 A. I will answer that. In all candor, Mr. Councilman, I
20 stated publicly before, not to this body, but certainly if
21 they were listening to the radio, if they listened to the
22 particular newscast, I have no further political ambitions
23 and I am here as Mayor of the City of Providence, and right
24 now, I'm doing what I think is correct. Mr. Cesaro is in a

1 position -- granted I put him in that position, I put him
2 in that position because of certain political reasons, I
3 put him there because, I am not going to embellish on it, I
4 put him there on a political arrangement, that I would get
5 certain people approved by this Council if in fact I would
6 appoint him to the job of Public Works Director; that's why
7 I did it. I was kind of tired of dealing with a Council
8 that never would approve anything; if I had the cure for
9 cancer sometime, I would be rejected. And I admitted that.
10 I have no further political ambitions, and would stay Mayor
11 of the City of Providence as long as I want to be Mayor the
12 next two years and one month. As far as I am concerned I'm
13 here not to bring any war with anybody, I'm here because as
14 Mayor of the City of Providence, Mr. Johnson, to continue a
15 relationship that I have. I cannot successfully, not poli-
16 tically, successfully as Mayor, governmentally, execute
17 sworn duties that I have, which I take seriously, especially
18 in snow emergencies coming up, with the kind of relationship
19 that exists. Now I documented at 6:15 or 6:22, whatever it
20 was, frankly because it isn't very often that I interrupt
21 phone conversations. I wouldn't have done that if in fact
22 there was not an emergency, and because the person who
23 works for the phone company made a note of it, I did too.
24 And I am testifying from memory, I'm testifying as to the

1 events of that evening, it will be all substantiated and
2 justified from supporting witnesses, this isn't any case
3 that's been trumped up, this is the events of that evening.

4 Q. So you are stating now for the record that this was not
5 political?

6 A. That's correct. If it were political, Mr. Councilman,
7 I wouldn't be here now.

8 BY MR. BOYLE:

9 Q. Point of order, just to follow up, to follow the question.
10 Mayor, this case that you have brought forth here with
11 Mr. Piccirilli, do you think it is going to make a bit of
12 difference to change the Council's mind on whether to keep
13 Mr. Cesaro or to get rid of Mr. Cesaro? Very candidly, I
14 want a quick answer.

15 A. I don't know if I can answer that quickly. It is ob-
16 vious, you know, being a former Assistant Attorney General,
17 and being the Mayor of the City for seven years, or almost
18 seven years, to come here in this room and present a case,
19 it is obvious that I don't have the votes here. That's
20 obvious. However, do I think I can win the case, as I look
21 around the room, no. That's why I'm willing to take the
22 cross-examination of the Council. Make up the rules,
23 change the rules, when I get off the stand, change them
24 again, but you know something, we all have to answer to

1 ourselves and also to our constituents. And as Mayor, the
2 last couple of years of my mayorality, I'm only trying to
3 do what is absolutely right, and I'm trying to come forward
4 to you tonight, be here as much as you want, and take your
5 questions, that I tried to do what was right. There was
6 no election, I lost and lost badly, as a matter of fact, let
7 me tell you something, the interest rates were higher than
8 my plurality. But that's really not why I'm here. I'm
9 here because as Mayor, I tried to contact a man who had a
10 job -- it isn't the best relationship -- I tried to suspend
11 him before and perhaps that was political. Perhaps there
12 was a semblance of politics in it. I admit that, we are
13 all political animals in this room. But I am going to tell
14 you something, right from my heart and right straight out,
15 because as I said before, I have no further political am-
16 bition and that's a pretty big statement that will probably
17 get the headline in the paper -- I see the reporters writ-
18 ing -- but I'm going to tell you something, I'm here be-
19 cause we are expecting a winter that's supposed to be
20 pretty tough, and if we are going to play politics with
21 the Public Works Department, and if you were the Mayor,
22 Tommy, and you couldn't reach the Public Works Director,
23 and you couldn't get trucks out, and you couldn't get sand
24 and equipment out, and if we are going to play this game,

1 then really we are not really doing the jobs that we are
2 supposed to do, the jobs we are elected to. Now do I have
3 the votes, can I change anybody's mind here? Probably not,
4 but I only hope that when we finish, at least my point of
5 view is at least half heard.

6 Q. I guess the only other question I had was because of the
7 fact you stated it wasn't political or anything like that,
8 did you have a meeting on the 18th with Mr. Coia and Mr.
9 Virgilio?

10 A. Yes, I did. The 18th was the night of the storm; was
11 that the -- whatever the night of the storm, the next night
12 was, yes. This was of course subsequent to -- yes, this
13 was the night of the storm.

14 MR. JOHNSON. Right.

15 A. ...In my home, Mr. Virgilio, Mr. Coia, Mr. Mansolillo,
16 and myself, and snow was falling, and it wasn't until after,
17 I think 11:00 at night --

18 BY MR. EASTON:

19 Q. Mr. Mayor, just to follow up on Councilman Johnson's ques-
20 tion, were you meeting with Mr. Coia and Mr. Virgilio be-
21 cause you suspected that there might be some trouble getting
22 the cooperation of the workers and that there might be some
23 confusion as a result of, I think, knowledge and confusion
24 as to the actual people that were laid off and what positions

1 existed and who was working and wasn't? Were you meeting
2 with Mr. Coia and Mr. Virgilio in an attempt to clarify
3 those matters, knowing in fact that there was some con-
4 fusion that made it difficult for Mr. Cesaro to perhaps
5 operate in this kind of a situation?

6 A. In response to that, as you know, we had sent layoff
7 notices sometime early or late October. Subsequent to
8 that time, after November 4, there was an agreement to go
9 to an arbitrator. That went to an arbitrator, and I be-
10 lieve right around that time, refresh my recollection, the
11 arbitrator's ruling came back.

12 MR. PICCIRILLI. November 12.

13 A. ...The arbitrator's ruling came back, November 12 and
14 there was ambiguity in the arbitrator's ruling on the part
15 of the union and myself. And Mr. Coia, I believe had
16 called me and Mr. Virgilio called me, or I called them back,
17 or however it happened, we were in touch with each other.
18 It hasn't been a very good year, no question about that.
19 And I laid workers off and the next thing I know there is a
20 snowstorm. But, the primary purpose of the meeting in my
21 home, as Mr. Moise so made me testify, we had arrangements
22 to meet prior to the fall of the snow, and the snow didn't
23 come until later, and we met for another reason, we met to
24 try to work out the arbitration award and try to piece

1 together what the arbitrator meant, because the arbitrator,
2 I guess, did the smartest thing of anybody, he went to
3 Bogota, Colombia. I think at that point we were all wish-
4 ing we would have, but anyway that was the primary purpose
5 of the meeting. I can't, in my wildest imagination, be-
6 lieve that the union, in a time of emergency, would have
7 slept at the switch, and I don't believe that the union
8 membership -- certainly Mr. Coia, in all his indications
9 to me, told me he had not ordered a work slowdown, that
10 he was just trying to do his job as union president.

11 THE PRESIDENT. Any further questions?

12 THE WITNESS. And that meeting at my
13 house lasted, by the way, until about 1:30 or 2:00 in the
14 morning and ended rather abruptly. It had --

15 MR. MANSOLILLO. Four o'clock in the
16 morning.

17 THE WITNESS. ...It had nothing to do
18 at that point, to my knowledge, with the snow. A lot of
19 other things were said at that meeting.

20 THE PRESIDENT. Any other questions, if
21 not the witness will be excused.

22 THE WITNESS. Do you have any?

23 MR. PICCIRILLI. I have no further
24 questions. Thank you for your cooperation, Mr. Mayor.

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THE WITNESS. I can't say it hasn't been fun.

MR. PICCIRILLI. Mr. President, I'd like to call my next witness, Mr. Clement Cesaro.

(MAYOR LEFT AT THIS POINT)

MR. CHAIKA. I object. Under the guidelines or the new rules, I believe if he's calling Mr. Cesaro as an adverse witness, the Adverse Witness Statute is only for the purpose of cross-examination, and I thought the new guidelines for this proceeding were that he could not cross-examine the other party.

MR. PICCIRILLI. I promise not to cross-examine Mr. Cesaro, I'll just ask him direct questions.

MR. ADDISON. Mr. President, I'd like to call for a five-minute recess.

MR. PICCIRILLI. I protest, Mr. President, I am bound by a time limit.

THE PRESIDENT. Five minutes.

(RECESS 10:37 to 10:45)

THE PRESIDENT. Clerk, call the roll.

ROLL CALL: President Fagnoli: Present.
Mr. Addison: Here.
Mr. Almagno: Here.
Mr. Boyle: Here.
Ms. Brassil: Here.
Mr. Cirelli: Here.
Mr. Cola: Absent.

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Mr. Dillon: Absent.
Mr. Easton: Here.
Mr. Farmer: Absent.
Mr. Flynn: Here.
Mr. Glavin: Absent.
Mr. Griffin: Absent.
Mr. Johnson: Here.
Mr. Lynch: Here.
Mr. Mansolillo: Absent.
Mr. Moise: Here.
Mr. O'Connor: Here.
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. MANSOLILLO. Mr. President.

THE CLERK. Councilman Mansolillo recorded as being present.

(SO NOTED)

THE PRESIDENT. Twenty present, six absent, and we have a quorum.

Let's see, Counselor.

MR. PICCIRILLI. I'd like to call Mr. Cesaro.

MR. CHAIKA. I will withdraw my objection.

THE PRESIDENT. Okay, sir.

CLEMENT J. CESARO (SWORN)

THE PRESIDENT. When 11:00 comes, we'll

1 quit in the middle of a sentence. That's the agreement
2 that we made and I will go by my clock or my watch.

3 MR. MANSOLILLO. Mr. President, as long
4 as we can challenge your clock.

5 THE PRESIDENT. It is exactly eleven
6 minutes of 11, and I will watch it very closely. Proceed.

7 EXAMINATION BY MR. PICCIRILLI

8 Q. Mr. Cesaro?

9 A. Yes.

10 Q. Did you receive this document marked City Exhibit 1 on or
11 about November 13, 1980?

12 MR. SALVATORE. Mr. President, point of
13 clarification, please.

14 THE PRESIDENT. Yes.

15 MR. SALVATORE. As a witness, is this
16 five minutes or unlimited time?

17 THE PRESIDENT. Unlimited.

18 MR. PICCIRILLI. I believe it is only
19 five minutes. I believe I am limited to five minutes. I
20 would acknowledge I am limited to five minutes on this.

21 MR. CHAIKA. I would waive that rule.

22 MR. PICCIRILLI. I don't believe we
23 have the power to waive them. I intend to question five
24 minutes, if I'm in the middle of a sentence, shut me off.

1 Q. Mr. Cesaro, did you receive this document on or about
2 November 13, 1980?

3 A. Yes.

4 MR. FLYNN. I believe the witness was
5 not sworn in.

6 THE PRESIDENT. Yes, he was.

7 A. In reply to your question, this I did receive from
8 Mr. Mancone on the 13th at approximately 3:15 I believe it
9 was received in my office.

10 Q. Did you receive this document dated November 14, 1980?

11 MR. CHAIKA. Is that one of the already
12 identified exhibits?

13 A. Yes, this document also was received late in the
14 afternoon, I think it was in the vicinity of 3:45, I have
15 the time on that.

16 THE PRESIDENT. State the documents.

17 MR. PICCIRILLI. I referred the witness
18 to City Exhibits 1 and 2.

19 Q. Mr. Cesaro, where were you on the evening of November 17,
20 1980?

21 MR. CHAIKA. Objection, may I have a
22 time fixed.

23 Q. Starting at 4:00 in the afternoon, where were you?

24 A. I was in the office.

1 Q. Did you receive information that Mayor Cianci wanted to
2 speak to you at that time?

3 A. I did not.

4 Q. When did you leave your office that evening?

5 A. On the night of the storm, I believe that's Monday,
6 is that correct?

7 Q. That's correct, Monday, November 17.

8 A. I think we left the office somewhere around 4:45.

9 Q. When you say we, yourself and someone else?

10 A. Yes.

11 Q. Who was that?

12 A. Mr. Lembo, myself, my secretary.

13 Q. Anyone else?

14 A. Mr. DeBello.

15 Q. Now, could you tell the Councilmen where you went after
16 that time?

17 THE WITNESS. Where I went?

18 MR. PICCIRILLI. Where did you go.

19 A. I specifically went home.

20 Q. Did you receive any -- how long were you home that evening,
21 the evening of November 17?

22 THE WITNESS. How long was I home?

23 MR. PICCIRILLI. Yes.

24 A. I believe I left my house somewhere in the vicinity of

1 9:45.

2 Q. During that period of time, did you receive any telephone
3 communications from Mayor Cianci?

4 A. Absolutely not.

5 Q. Where did you go at approximately 9:15?

6 A. I had personal business of my own to attend to.

7 Q. Did you return to your home?

8 THE WITNESS. Did I return to my home?

9 MR. PICCIRILLI. Yes.

10 A. The answer is no.

11 Q. Did you go to the Department of Public Works on the evening
12 of November 17?

13 A. I went to the Department of Public Works at around
14 somewheres between 12:30/1:00 the following morning.

15 Q. That would have been November 18, '80?

16 A. That is correct.

17 Q. Did you have any conversations with anyone when you got
18 to the Public Works yard?

19 A. Did I have conversations, yes, I did.

20 Q. Did you have any conversations with a Mr. McLaughlin?

21 A. I had no conversation with him, when I first came in,
22 I spoke to Mr. Michael Acetta, who was the general foreman
23 and I also spoke to Mr. Guy Zanni at that particular time,
24 and I also spoke to our foreman, Anthony DelSanto.

1 Q. Did any person at the Public Works Garage at approximately
2 1:00 in the morning inform you that Mayor Cianci wanted to
3 talk to you?

4 A. Absolutely not.

5 Q. How long did you remain in the Public Works Garage?

6 THE WITNESS. How long did I remain?

7 MR. PICCIRILLI. Yes.

8 A. I was there for a good, maybe 45 minutes, and then I
9 left to survey the City of Providence.

10 Q. With whom did you leave?

11 THE WITNESS. With whom?

12 MR. PICCIRILLI. With whom.

13 THE WITNESS. Did I leave?

14 MR. PICCIRILLI. Yes.

15 A. The garage, I left with the two foremen, Mr. DelSanto,
16 and I believe our other night foreman, I think you mentioned
17 his name, Mr. McLaughlin.

18 Q. Approximately what time was that that you left?

19 A. And Mr. Victorio, by the way, who was one other
20 gentleman.

21 Q. The four of you left in a motor vehicle?

22 A. That's right.

23 Q. Is that motor vehicle radio equipped?

24 A. It certainly is.

1 Q. Was the radio on and working that evening?

2 A. I assume it was.

3 Q. Did you receive any communications while you were out in
4 the motor vehicle from the dispatcher asking you to con-
5 tact Mayor Cianci?

6 A. Absolutely not.

7 Q. How long were you out with the motor vehicle?

8 A. Approximately an hour to an hour and a half.

9 Q. Where did you return, did you return to the Public Works
10 Department?

11 A. Back to the shed, roller shed.

12 Q. That would have been 2:30 in the morning?

13 A. Yes, somewhere in the vicinity.

14 Q. How long did you remain at the Public Works area from 2:30
15 in the morning on, how long did you stay?

16 A. Maybe another ten or 15 minutes.

17 Q. Did you leave again?

18 A. Yes, I did.

19 Q. With whom did you leave?

20 THE WITNESS. With whom?

21 MR. PICCIRILLI. With whom.

22 A. All by myself.

23 Q. You left all by yourself; did you again leave in your
24 motor vehicle?

1 THE WITNESS. Did I what, please?

2 MR. PICCIRILLI. Did you leave in your
3 motor vehicle?

4 A. Of course.

5 Q. And where did you go?

6 A. I returned to my home.

7 Q. And when you got home, did you have any conversations with
8 anyone in your house?

9 A. Absolutely not.

10 Q. While you were there, did the phone ring?

11 A. Yes, it did.

12 Q. And was it Mayor Cianci?

13 A. When I was conversing on the phone, I was speaking to
14 a Mr. Michael Acetta, and at that point in time, we were
15 discussing some of the problems at the garage and at that
16 particular time, while during that conversation, there was
17 another conversation going on with Mr. Guy Zanni on another
18 phone, and he had made mention that the Mayor was on the
19 other line and at that point in time, there was an inter-
20 ruption on the line by the operator, informing us that the
21 Mayor was trying to get through on an emergency basis and
22 would we kindly get off the line.

23 Q. This is about 4:25/4:30 in the morning?

24 A. I would say so, somewhere in that vicinity.

1 Q. Did you get off the line?

2 A. Absolutely.

3 Q. Did you receive any communications from the Telephone
4 Company, the Mayor, or anybody else when you got off the
5 line?

6 A. Absolutely not.

7 Q. Then what did you do, did you stay home?

8 A. I took care of what I intended to go home for, which
9 I would rather not make public and embarrass people, and then
10 I returned back to the yard.

11 Q. Approximately what time did you return to the yard?

12 A. Approximately 4:00.

13 Q. 4:00 A.M.?

14 A. Yes.

15 Q. When you got back to the yard at 4:00 A.M., after having
16 heard from the telephone operator and all, what did you do?

17 A. Repeat that.

18 Q. What did you do when you got back to the yard?

19 A. I sat down and I was discussing some of the problems
20 we were confronted with with one of my men who was in re-
21 ceipt of a telephone conversation from the Mayor threaten-
22 ing this gentleman that he was going to attempt to fire him.

23 Q. Did you have a conversation with the Mayor after that?

24 A. Absolutely not.

1 Q. When did you talk to the Mayor at all that morning?

2 A. The Mayor called me. For the record, the Mayor called
3 me at approximately 4:25.

4 Q. 4:25; and were you in the Public Works Garage?

5 A. Yes, I was.

6 Q. What did the Mayor say to you?

7 A. The Mayor discussed the report, whether or not I had
8 got the report in, and I was completely confused why he
9 was asking me that question since I had given information
10 to his secretary at 4:15 that afternoon.

11 Q. Now, Mr. Cesaro, did the Mayor order you when he talked to
12 you on the phone, did he order you to take the sanders out?

13 THE WITNESS. Did he order me?

14 MR. PICCIRILLI. Order you to take the
15 sanders out?

16 A. He ordered me to see if I could get the sanders on the
17 road and I explained my problem.

18 Q. By the way, did you have any conversations with a Mr. John
19 Melvin that evening?

20 A. Did I have any conversations, not to my knowledge.

21 Q. On the night of November 17 and 18, you had no conversa-
22 tions with John Melvin?

23 A. Not to my knowledge.

24 Q. Did you have any conversations with a Peter Bowie that

1 evening?

2 A. The dispatcher that was on duty, is that what you
3 are talking about?

4 Q. I don't know the man, I never met him, did you have any
5 conversation?

6 A. No, I never have had any conversation.

7 Q. Did you have any conversations that evening with Mr. John
8 McLaughlin?

9 A. Joe; is that the gentleman that the Mayor threatened
10 to fire, yes.

11 Q. You had a conversation with him?

12 A. Yes.

13 Q. How long was Mr. Anthony DeSanto with you that evening?

14 THE WITNESS. How long was Mr. DeSanto
15 with me?

16 MR. PICCIRILLI. Yes.

17 A. Maybe 45 minutes to an hour, approximately.

18 Q. Did he leave you at approximately 2:00 or 2:30 in the
19 morning?

20 A. He left me when I returned back to the roller shed.

21 Q. That was about 2:00 in the morning?

22 A. Whatever.

23 Q. And he had been with you before then?

24 A. He was in the vehicle with me. I told you, we had

1 surveyed the City of Providence and were also going to
2 the Hurricane Barrier.

3 Q. Was Mr. Acetta on duty all evening that night?

4 A. Mr. Acetta was present when I arrived there.

5 MR. PICCIRILLI. Thank you.

6 THE PRESIDENT. It is 11:00, we'll be
7 back here 4:00 Monday afternoon.

8 MR. PEARLMAN. I have a question which
9 I will ask Monday afternoon. I am not foreclosed from
10 asking questions of the witness when we return.

11 THE PRESIDENT. We'll wait until Monday
12 afternoon at 4:00. He is not through yet.

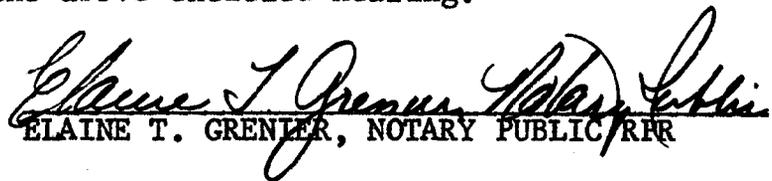
13 MR. PICCIRILLI. Thank you.

14 (HEARING RECESSED 11:00 P.M.)

15 * * * * *

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

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

20
21 
22 ELAINE T. GRENIER, NOTARY PUBLIC RFR