

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

PROCEEDINGS AT HEARING *

IN RE: SUSPENSION OF *

CLEMENT J. CESARO BY *

MAYOR VINCENT A. CIANCI, JR. *

December 1, 1980
City Council Chambers
Providence, Rhode Island

BEFORE: PROVIDENCE CITY COUNCIL MEMBERS

APPEARANCES:

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

For Mayor Cianci.....VINCENT J. PICCIRILLI, ESQ.

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

I N D E XWITNESSPAGEMAYOR VINCENT A. CIANCI, JR.

DIRECT EXAMINATION BY MR. PICCIRILLI.....	
CONT'D DIRECT EXAMINATION BY MR. PICCIRILLI.....	66
EXAMINATION BY MR. MOISE.....	66
EXAMINATION BY MR. EASTON.....	68
EXAMINATION BY MR. STRAVATO.....	73

E X H I B I T SNO. (City)DESCRIPTIONPAGE

1	COPY OF LETTER DATED 11/13/80 TO CLEMENT CESARO FROM JOHN MANCONE.....	18
2	COPY OF LETTER, 2 PGS., DATED 11/14/80 TO CLEMENT CESARO FROM MAYOR CIANCI.....	21
3	COPY OF LETTER DATED 11/18/80 TO CLEMENT CESARO FROM VINCENT A. CIANCI, JR..	55
4	COPY OF COMPLAINT, C. A. NO. 80-0593, 34 PGS., CLEMENT J. CESARO, PLAINTIFF VS. VINCENT A. CIANCI, JR.....	57
5	COPY OF APPLICATION FOR TEMPORARY RESTRAINING ORDER IN THE CASE OF CLEMENT J. CESARO VS. VINCENT A. CIANCI, JR., 30 PGS.....	59
6	COPY OF AFFIDAVIT FILED BY VINCENT A. CIANCI, JR., 9 PGS.....	62

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

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

THE CLERK. Mr. Pearlman is recorded as
being present now.

(SO NOTED)

THE PRESIDENT. Twenty-three present,
three absent. We have a quorum. The City Clerk will read
the ground rules, so everybody be quiet and pay attention.

THE CLERK. The Rules of Evidence will
be applied to this hearing. The moving party will present

1 evidence through witnesses and those witnesses will be
2 subject to cross-examination. The Respondent will have the
3 right to present witnesses and evidence will be subject to
4 cross-examination. Members of the City Council may parti-
5 cipate and ask questions. Any member of the Council may
6 vote irrespective of the amount of meetings he or she has
7 attended. The meeting will end at 11:00 tonight and sub-
8 sequent meetings, if necessary, will be continued starting
9 tomorrow night, 7:30 to 11:00, Monday, December 8, 4:00 to
10 6:00. We will have supper hour and reconvene 7:30 to 11:00.
11 Tuesday, December 9, 4:00 to 6:00 and continue again at
12 7:30 to 11:00. The City Council will authorize the Presi-
13 dent, by vote, to issue subpoenas or subpoena duces tecum
14 to either party.

15 THE PRESIDENT. Would the Majority Lead-
16 er want to make a motion to the effect of the subpoena?

17 MR. ADDISON. I believe there was a
18 third day next week too.

19 THE PRESIDENT. That's a Wednesday. If
20 necessary, we'll continue to Wednesday. We'll know prob-
21 ably on Monday.

22 MR. ADDISON. I would like to move at
23 this time in the event that the counsel of both parties
24 require subpoenas, that the Council will vote, will have a

1 vote, and give the President the right to sign for the sub-
2 poenas.

3 MR. FLYNN. Seconded.

4 THE PRESIDENT. Motion made and seconded.
5 All in favor signify by saying Aye?

6 (VOICE VOTE)

7 THE PRESIDENT. Nay?

8 (VOICE VOTE)

9 THE PRESIDENT. The Ayes have it.

10 (MOTION PASSED)

11 THE PRESIDENT. Read the charges.

12 THE CLERK. To the "Members of the City
13 Council, City of Providence, City Hall, Providence, Rhode
14 Island. In the matter of Clement J. Cesaro. Pursuant to
15 Section 4.30(a) of the Charter of the City of Providence,
16 on November 18, 1980, I, Vincent A. Cianci, Jr., Mayor of
17 the City of Providence, notified Clement J. Cesaro of his
18 suspension as Director of Public Works and caused thereof
19 in writing, a copy of which is attached hereto and identi-
20 fied as Exhibit A. In accordance with the provisions of
21 Section 4.30(a) of the Charter of the City of Providence,
22 I, Mayor Vincent A. Cianci, Jr., herewith present to The
23 Honorable City Council, the following written charges
24 against Clement J. Cesaro:

1 1. That Clement J. Cesaro has been guilty of insubordina-
2 tion for failure on November 17, 1980 to provide to me a
3 written report concerning snow removal plans.

4 2. That Clement J. Cesaro has been guilty of insubordina-
5 tion for refusing to deploy snow removal vehicles on
6 November 18, 1980 after being ordered to do so.

7 3. That Clement J. Cesaro has violated Section 5.31 of the
8 Charter of the City of Providence by refusing to exercise
9 his duties of furnishing snow removal and sanding of city
10 streets, which action has endangered the public health and
11 safety. Respectfully submitted, Vincent A. Cianci, Jr.,
12 Mayor of Providence, November 20, 1980."

13 THE PRESIDENT. Counsel may proceed.

14 MR. MOISE. Do we have a copy of the
15 charges?

16 THE PRESIDENT. No, we don't have a copy
17 of the charges. I think there's only one copy was submitted.

18 MR. CHAIKA. I'd like a copy myself.

19 THE PRESIDENT. The Council will stand
20 at ease until we get a copy of the charges if any are avail-
21 able.

22 MR. PICCIRILLI. Mr. President, I believe
23 that Mr. Cesaro did receive a copy of the charges at the
24 same time that they were submitted to the City Council in

1 accordance with the Charter, but I have no objection, I'll
2 look for another copy.

3 THE PRESIDENT. We will stand at ease.

4 MR. PAOLINO. Mr. President, can the
5 City Council members get copies?

6 MR. PICCIRILLI. Mr. President, are you
7 going to make copies for the members of the Council?

8 THE PRESIDENT. Yes.

9 MR. PICCIRILLI. I would ask the Clerk
10 make copies for Mr. Cesaro. It's my understanding the copy
11 of the charges were delivered to him at his attorney's
12 office by the Providence Police. He has a copy. If you
13 are going to make an additional copy, would you make one
14 for him.

15 MR. CHAIKA. I am glad Mr. Piccirilli
16 mentioned that because the copy that was served on Mr.
17 Cesaro in my office are three separate charges that until
18 I actually see the charges that the Clerk read, I'd like to
19 match them up with the ones that were actually served on
20 Mr. Cesaro.

21 MR. MOISE. I have a question.

22 THE PRESIDENT. We will be at ease.

23 (COUNCIL AT EASE)

24 THE PRESIDENT. Clerk will take the roll.

1 ROLL CALL: President Fargnoli: Here.
Mr. Addison: Here.
2 Mr. Almagno: Here.
Mr. Boyle: Here.
3 Ms. Brassil: Here.
Mr. Cola: Here.
4 Mr. Dillon: Here.
Mr. Easton: Absent (see below)
5 Mr. Farmer: Here.
Mr. Flynn: Here.
6 Mr. Glavin: Here.
Mr. Griffin: Absent.
7 Mr. Johnson: Here.
Mr. Lynch: Here.
8 Mr. Mansolillo: Here.
Mr. Moise: Here.
9 Mr. O'Connor: Absent.
Mr. Paolino: Here.
10 Mr. Pearlman: Here.
Mr. Pennine: Here.
11 Mr. Petrosinelli: Here.
Mr. Salvatore: Here.
12 Mr. Snowden: Here.
Mr. Stravato: Here.
13 Mr. Xavier: Absent.

14 THE CLERK. Mr. Easton is recorded as
15 being present.

16 (SO NOTED)

17 THE PRESIDENT. Twenty-three present and
18 three absent, we have a quorum. Majority Leader.

19 MR. ADDISON. Mr. President, although I
20 think the intent of you asking the City Clerk to read the
21 charges for them to become part of the record, just so that
22 there may not be any confusion, I move that the charges read
23 by the City Clerk become incorporated in the record.

24 MR. CIRELLI. I second the motion.

1 MR. MANSOLILLO. Before we proceed, the
2 Clerk did read some rules that apparently, operating rules,
3 that apparently were agreed to by the leadership prior to
4 us convening, and I at this time think it would be appro-
5 priate that a motion be made, and I so move, that the rules
6 as read by, the operating rules, as read by the Clerk, be
7 the rules for the purpose of conducting this hearing re-
8 garding the suspension of Clement J. Cesaro, the Director
9 of Public Works.

10 THE PRESIDENT. Was that the form of a
11 motion?

12 MR. MANSOLILLO. Yes.

13 MR. FLYNN. Seconded.

14 MR. EASTON. Point of clarification, can
15 we assume that we have the right to amend those rules at
16 any time we wish to?

17 THE PRESIDENT. You can if you want to.

18 MR. MANSOLILLO. I see no reason why
19 they couldn't be amended. Our old rules say we can amend
20 the rules by a majority vote. So, for the purpose of this
21 hearing, I'm not making a motion that precludes amendment,
22 if that's Mr. Easton's question.

23 THE PRESIDENT. Motion made and seconded.
24 All in favor, Aye. Opposed, Nay?

(VOICE VOTE)

THE PRESIDENT. The Ayes have it.

(MOTION PASSED)

THE PRESIDENT. Counsel may proceed.

MR. PICCIRILLI. Mr. President, Members of the Council, these charges that were presented pursuant to the Charter provision by the Mayor of the City of Providence against Mr. Clement Cesaro, the Director of Public Works; at the outset, I'd like to point out to the President and the members of the Council, that the proceedings before you do not, I repeat, do not involve themselves with the labor dispute, they do not, I repeat, do not involve themselves with any litigation pending in the Federal Court or the Superior Court. The charges have been brought by the Mayor because of activities by the Director of Public Works, which occurred on the 17th and on the 18th of November, 1980. Those actions on the part of the Director of Public Works did, in the opinion of the Mayor of the City of Providence, the Chief Executive and the person charged with enforcing all the laws, and ordinances of the City of Providence, those actions or inactions, did in fact jeopardize the public health, safety and welfare. So we are prepared at this point to present evidence from the Mayor and from other persons concerning the specific charges.

1 The first charge evidence will be presented on is the
2 charge that the Director of Public Works was insubordinate
3 for refusing and failing to comply with the direct order
4 of the Mayor to furnish a detailed plan concerning snow re-
5 moval for the winter season.

6 The second charge, for which evidence will be pre-
7 sented, is the charge that the Director of Public Works
8 was guilty of insubordination by refusing to deploy snow
9 removal and sanding vehicles on November 18, 1980, after
10 being ordered to do so by the Chief Executive.

11 And then, finally the Director of Public Works violated
12 the Charter provisions which require him to perform certain
13 duties for snow removal and sanding, and these duties have
14 been imposed upon the Director of Public Works in order
15 that he, through the Mayor, fulfill the responsibilities
16 of public health and safety.

17 I think it would be a waste of my time and your time
18 to remind you of the weather conditions which were in place
19 on November 17 and November 18, although we will, for the
20 record, present evidence and records from the Weather De-
21 partment and from public safety personnel who, in fact,
22 were on the street at that time. They will attest to the
23 weather conditions and the road conditions which were in
24 place that evening.

1 Additionally, we will present evidence that on at
2 least three occasions the Director of Public Works was in-
3 formed, was requested, was ordered, to get the sanders out
4 on the streets and he refused to do so, and on at least
5 three occasions he was informed that the Mayor wanted to
6 speak to him and that the Director of Public Works refused
7 to do this. The Mayor of the City of Providence did not
8 speak to the Director of Public Works until 5:35 A.M. on
9 the morning of the storm. He had been trying to reach him
10 from 4:00 the afternoon before. We will present evidence
11 to show that there were ample personnel available to con-
12 duct the snow sanding and removal activities that evening,
13 but they never received an order to proceed or operate from
14 the Director of Public Works, and with that brief opening
15 statement, I'm prepared to call my first witness.

16 I call as my first witness, the Mayor of the City of
17 Providence, Vincent A. Cianci, Jr.

18 May I ask that the witness be sworn.

19 VINCENT A. CIANCI, JR. (SWORN)

20 DIRECT EXAMINATION BY MR. PICCIRILLI

21 Q. Would you identify yourself for the stenographer and the
22 record?

23 A. Vincent Albert Cianci, Jr., Mayor of the City of
24 Providence. My address is 145 Blackstone Boulevard.

1 Q. And how long have you been Mayor of the City of Providence?

2 A. Since January of 1975, I was elected in November of
3 1974.

4 Q. And were you re-elected in January 1979 for a term expir-
5 ing January 1983?

6 A. No, I was re-elected November 1978 and inaugurated for
7 a second term in January 1979.

8 Q. Mayor Cianci, would you very briefly identify for the
9 record and for the Council members present, some of the
10 requirements and Charter obligations that devolve upon you
11 as Mayor of the City of Providence?

12 A. As the Chief Executive Officer of the City of Provi-
13 dence, I am required by Charter, by state law, and by the
14 Constitution of the United States, to provide to the best
15 of my ability, and I took an oath, to provide for the
16 public health, welfare and safety of the people who are in
17 the environs of the City of Providence. It includes ap-
18 pointing people to directorships, and also includes vigi-
19 lance on my part, and also a steady understanding, a steady
20 overseeing of the department directors and the performance
21 of their duties.

22 Q. Are some of your obligations under the City Charter the
23 obligation to provide police, fire, and other emergency
24 public services for the residents of the City of Providence

1 and to the surrounding communities?

2 A. Yes, sir. It is under City Charter of the City of
3 Providence, that's one of the obligations of the office.

4 Q. And additionally, are you responsible for the supervision
5 of sanding, snow removal and other activities relative to
6 the public highways, to insure the safety of passengers
7 traveling on said highways?

8 A. Yes, I am.

9 Q. And on November 17 and 18, 1980, were you present here in
10 the City of Providence, discharging your duties as Mayor
11 of the City of Providence?

12 A. Yes, I was.

13 Q. I'd like to bring you back, very briefly if I can, to
14 November 13, 1980. At that time, were you concerned with
15 the delivery of services for the sanding and snow removal
16 for the impending winter in the City of Providence?

17 A. Yes, I was. As a matter of fact, prior to that time
18 I had asked staff concerning that problem, because the
19 previous years we had snow equipment available and also
20 we had ordered sand and salt. As a matter of fact, I found
21 out in my investigation, prior to November 13, and prior
22 to the 12th, the Board of Contract and Supply authorized
23 the purchase of salt and sand and also engaged, or gave the
24 authority, to the Department of Public Works to engage

1 certain private contractors who are normally called in when
2 the snow storm reaches such magnitude that the city equip-
3 ment can't handle the storm. So on November 12, I discussed
4 that with members of the staff and I asked Mr. John Mancone
5 to be in contact with the Public Works Department, speci-
6 fically the Director, to ask what had been occurring con-
7 cerning not only the plows being put on our own trucks and
8 also the hiring of private equipment and also the avail-
9 ability of sand and salt that would be on hand in the event
10 of a snowstorm.

11 Q. Did you have any conversations with Mr. Mancone on or about
12 November 13 relative to his response or the response to
13 your inquiry through him from the Director of Public Works?

14 A. Yes, I did. Some time after 12, on the 13th, I asked
15 Mr. Mancone if he had been able to follow my directive. He
16 told me --

17 MR. CHAIKA. Objection.

18 THE PRESIDENT. Continue.

19 A. ...I had spoken to Mr. Mancone and I informed him that
20 I was concerned about the situation, and hearing Mr. Man-
21 cone, he could not tell me what the availability was, be-
22 cause he was not able to ascertain it from the Department
23 of Public Works, I then asked Mr. Mancone to write the
24 letter, dated November 13.

1 Q. And did Mr. Mancone at your direction write a letter to
2 the Director of the Department of Public Works on or about
3 November 13, 1980?

4 A. Yes, he did.

5 Q. I'll show you this document and ask you if this is a copy
6 of the letter that was sent to Mr. Cesaro.

7 (DOCUMENT SHOWN TO MR. CHAIKA)

8 A. For the record, November 13, document, Mr. President,
9 was also part of an exhibit and affidavit that I filed in
10 United States Federal District Court. For the purpose of
11 identification, if I may look at it, I can identify it
12 only for the purpose of identification, and it can be later
13 introduced in evidence.

14 MR. JOHNSON. Just a question for my own
15 edification; if there is going to be any documents passed
16 out and we have to sit and make a decision here, I suggest
17 there be copies made of anything that is relevant, so it
18 can be viewed by everyone.

19 THE PRESIDENT. I will ask for a copy
20 of that letter in evidence.

21 Q. I want you to just identify it.

22 A. This is a copy of a letter. In response to your ques-
23 tion, before you get a copy, yes, this is the document Mr.
24 Piccirilli referred to in his question.

1 MR. JOHNSON. It seems again, the ques-
2 tion I am going to have is the fact it seems to me this is
3 being run like a court of law, and at the same time, we
4 are in a position that we have to make a decision, and I
5 think it might have gotten away from us under this particu-
6 lar format, so I don't know how that's going to be handled
7 in the future, but to pass it around, it's going to both
8 interrupt the flow of the meeting and everything else.

9 THE PRESIDENT. It doesn't have to be
10 passed around.

11 MR. JOHNSON. What are we going to do,
12 peruse it for our own ability to make a decision?

13 THE PRESIDENT. We'll use it for evidence
14 before we make a decision.

15 MR. JOHNSON. I don't concur with that.
16 To tell you the honest to God's truth, if it's going to be
17 a bunch of information introduced, I think it should be
18 placed on each Councilman's desk.

19 MR. PICCIRILLI. Mr. President?

20 MR. MOISE. Mr. President, we are not
21 lawyers, and it gets beyond the realm of reality, we're
22 making a decision on what we have here, we're not legal
23 people. We can't go on legalities.

24 MR. PICCIRILLI. May I respond?

1 THE PRESIDENT. Yes.

2 MR. PICCIRILLI. The Council did agree
3 to abide by the Rules of Evidence and there is an orderly
4 procedure for the introduction of documents. I would ob-
5 viously have no objection if at the appropriate time the
6 City Clerk made ample copies for the members of the Council
7 to peruse this, but in order for me to comply with the
8 rules of the Council, I can only introduce the documents
9 after they have been identified and marked by the steno-
10 grapher, and that's what I am attempting to do. I'm not
11 attempting to do anything other than conduct this hearing
12 in a true due process situation, so that the rights of both
13 the city and Mr. Cesaro are amply protected.

14 THE PRESIDENT. Councilman Snowden.

15 MR. SNOWDEN. If my memory serves me
16 correctly, it seems to me one of the major questions last
17 time this hearing came up was that it was not held in an
18 evidentiary manner, that there weren't pros and cons from
19 both sides. As such I think that would place the Council-
20 men in the position of jury, and as such, I would also
21 like to remind them a jury does not get a copy of everything
22 that is presented before this body or entered into. I
23 would like to get this over with; I think we should listen
24 to both sides, and I just hope that there aren't these

1 types of interruptions.

2 THE PRESIDENT. You are going to admit
3 that?

4 MR. PICCIRILLI. I'll offer that into
5 evidence. Now that it's been identified by the witness and
6 I have given a copy to Mr. Chaika, I would offer it into
7 evidence as a record of this proceeding.

8 MR. EASTON. At least so that we can
9 follow what's going on, is it at least your intention, Mr.
10 Piccirilli, to have the Clerk read the documents at least
11 of that length?

12 MR. PICCIRILLI. After I introduced it,
13 I was going to ask the Mayor to read it.

14 THE WITNESS. That's the way it ordi-
15 narily goes into evidence, and if I may be so presumptuous,
16 I think the procedure is agreed to by both parties.

17 MR. PICCIRILLI. For the record, I'd
18 like to introduce into evidence as Exhibit 1 the letter
19 referred to by the Mayor. It is a letter dated November 13,
20 1980.

21 (CITY EXHIBIT 1 MARKED)

22 Q. May I ask you to read the letter for the benefit of the
23 public and the Council?

24 A. The letter is dated November 13, 1980, on the Mayor's

1 stationery. It's signed by John B. Mancone, Administrative
2 Assistant. It's addressed to Mr. Clement Cesaro, Director
3 of Public Works, Providence. It states, "Dear Mr. Cesaro:
4 Will you please provide me with the following information
5 per order of the Mayor. 1. Quantity of salt and sand
6 presently on hand. 2. Anticipated quantity needed for
7 snow removal this season. 3. Snow removal contracts
8 presently negotiated and additional expected to be nego-
9 tiated. Your prompt response is expected. Sincerely,
10 John D. Mancone, Administrative Assistant."

11 Q. As I understand it, Mr. Mayor, at that time, that is on
12 November 13, 1980, the Board of Contract and Supply of the
13 City of Providence had authorized the Director of the
14 Department of Public Works to purchase that amount of sand
15 and salt which would be necessary to combat storms for the
16 '80-'81 season?

17 MR. CHAIKA. Objection.

18 THE PRESIDENT. Overruled.

19 A. As Chairman of that Board, that is correct. As Chair-
20 man of the Board of Contract and Supply and having the re-
21 sponsibility, yes, I not only ascertained that the Board
22 had authorized that purchase, but also had ascertained
23 through my own investigation, personally, that there also
24 is sand and salt on hand at Troy Street, however, and it

1 was enough to handle an impending storm of small magnitude,
2 not enough on hand for the entire season.

3 MR. CHAIKA. Object, and move to strike.
4 That's a totally unresponsive statement to the question
5 asked by Mr. Piccirilli. I'd ask that the question be re-
6 read and you'll see that.

7 (QUESTION READ)

8 MR. CHAIKA. The question calls for a
9 yes or no answer, and everything else is a pure voluntary
10 statement by the Mayor.

11 THE WITNESS. May I have the answer re-
12 peated.

13 MR. PICCIRILLI. Sure.

14 (ANSWER READ)

15 THE PRESIDENT. Overruled.

16 Q. Mayor, did you receive a response, either in writing or
17 orally from the Director of the Department of Public Works
18 to the communication of Mr. Mancone of November 18, 1980?

19 A. No, the communication that I directed be sent, not
20 only on the 12th, but also the written communication on the
21 13th, there was no answer given to me in writing or orally.

22 Q. What did you, as Mayor, do when Mr. Cesaro did not respond
23 to the inquiries made of him by your Administrative Assist-
24 ant?

1 A. On November 14, I personally dictated a letter and had
2 it delivered to Mr. Cesaro concerning the situation under
3 discussion.

4 THE PRESIDENT. Do we have that letter?

5 Q. Mr. Mayor, can you identify this document which I will show
6 you?

7 A. Yes, the exhibit that has been presented to me, or the
8 document that's been presented to me by counsel, dated
9 November 14, is the letter that was sent by me and signed
10 by me and delivered to Mr. Cesaro.

11 MR. PICCIRILLI. Mr. President, I'd like
12 to offer this letter into evidence as the Proponent's Ex-
13 hibit Number 2.

14 MR. CHAIKA. No objection.

15 (CITY EXHIBIT 2 MARKED)

16 Q. Mr. Mayor, would you read that letter for the benefit of
17 the Council members and the public at large?

18 A. It is on the Mayor's stationery, dated November 14,
19 1980; it's addressed to Clement J. Cesaro, Director of
20 Public Works. It states "Dear Mr. Cesaro: On November 12,
21 1980, I directed Mr. John Mancone to find out from you cer-
22 tain information relative to snow removal and sanding. Mr.
23 Mancone has sent me a copy of the letter he sent to you on
24 November 13 requesting this information. To date, neither

1 Mr. Mancone nor I have received any response from you con-
2 cerning this matter.

3 "I am hereby directing you to inform me immediately,
4 in writing, as to the following:

5 "1. The inventory on hand of salt and sand which was
6 not used last year, together with the location of same.

7 "2. Please inform me of your plans to order salt and
8 sand and the amount of salt and sand needed for the coming
9 winter season.

10 "3. Your arrangements regarding the rental of private
11 snow removal equipment and operators of same.

12 "4. Your plan of deployment of personnel and vehicles
13 for snow removal and sanding.

14 "5. Additionally, it is my understanding that you have
15 expressed a concern for the need of welders to repair snow
16 removal equipment. It is my understanding that, in the
17 past, this welding service was performed by private con-
18 tractors. You are also ordered to furnish to me, in writ-
19 ing, your plans for engaging private contractors to do
20 welding, or, in the alternative, your plan to authorize
21 city personnel to do the same.

22 "I am hereby ordering that the above information be
23 given to me by 4:30 P.M. on Monday, November 17, 1980.

24 "Once I have received your written response, I will

1 review the same and will notify you of my approval or dis-
2 approval thereof. Signed, Vincent A. Cianci, Jr., Mayor
3 of the City of Providence."

4 Q. Mayor, to this date, have you received a response in writ-
5 ing from Clement Cesaro to that letter that you wrote to
6 him on November 14, 1980.

7 MR. CHAIKA. Objection. The only proper
8 question is up to the date of the suspension.

9 THE PRESIDENT. Sustained.

10 THE WITNESS. Well, if you rephrase the
11 question.

12 THE PRESIDENT. Right now, he's not sus-
13 pended, is he?

14 MR. PICCIRILLI. I'm sorry, my question
15 was whether the Mayor had received to this date, in writing,
16 from Clement Cesaro, a response to his inquiry of November
17 14. Now, that was objected to?

18 MR. CHAIKA. Yes, and sustained.

19 Q. All right, as of November 18, 1980, at 5:35 A.M., did you
20 receive a response from Clement Cesaro, the Director of
21 Public Works, anything in writing to respond to your in-
22 quiry of November 14, 1980?

23 A. No, sir.

24 Q. Subsequent to that time, subsequent to November 18, 1980

1 during Mr. Cesaro's period of suspension, has he responded
2 in writing to that request?

3 MR. CHAIKA. Objection, immaterial.

4 A. No, sir.

5 THE PRESIDENT. Overruled.

6 MR. CHAIKA. Move to strike.

7 MR. PICCIRILLI. Please answer the ques-
8 tion.

9 A. No, sir.

10 Q. Now, I would like to bring you, if I can, Mr. Mayor, to
11 the afternoon of Monday, November 17, 1980.

12 MR. CHAIKA. I didn't hear that question.

13 MR. PICCIRILLI. May I ask the Chair to
14 ask that the audience be quiet.

15 THE PRESIDENT. May we have some quiet
16 please, it's pretty hard to hear.

17 MR. PICCIRILLI. Thank you.

18 Q. Mr. Mayor, I'd like to bring you to the afternoon and eve-
19 ning of Monday, November 17, 1980, did you attempt to con-
20 tact Mr. Cesaro, the Director of Public Works, relative to
21 your written inquiry of the preceding Friday relative to
22 snow removal and sanding, etc.?

23 A. Yes, sir.

24 Q. And please tell this Council and the public, when and how

1 you attempted to contact Mr. Cesaro?

2 MR. CHAIKA. Excuse me, the question
3 was Monday the 18th, isn't it the 17th?

4 MR. PICCIRILLI. It is Monday the 17th,
5 I stand corrected.

6 A. Whatever day Monday was, the 17th.

7 Q. The Monday afternoon, prior to the snow storm of Monday
8 night, whatever date that was?

9 A. Yes, on Monday afternoon, approximately ten minutes
10 to four, I directed the staff to try to find out if my
11 directive was going to be complied with, if in fact the
12 snow removal plan and the things I had asked for, was he
13 going to be coming into the office at 4:30, I was informed
14 by this call from my office that Mr. Cesaro was reached --

15 MR. CHAIKA. Objection, hearsay.

16 MR. PICCIRILLI. I really have no quar-
17 rel with an objection being registered after an answer is
18 completed, and I probably will presume a motion to strike
19 would be in order, but I would ask the Chair to indicate to
20 counsel that the witness be permitted to finish his answer.

21 THE PRESIDENT. Overruled, continue.

22 MR. PICCIRILLI. Please continue.

23 A. At approximately ten minutes to four or early evening,
24 whatever you call it, I asked Mr. Cesaro be contacted to

1 have the plan, if it was going to be presented at 4:30,
2 as my directive had called for, I was told and learned
3 personally, that the plan would be there in my office
4 later on in the afternoon at 4:30.

5 MR. CHAIKA. Objection, move to strike,
6 obviously hearsay.

7 MR. PICCIRILLI. I will ask the witness
8 to testify who told him what, and may I indicate to the
9 Chair this is one of the reasons why I think the hearing
10 will take longer than normal, because we intend to call
11 as witnesses all of the people who will verify and fill in
12 this portion of the testimony. Counsel will have an ample
13 opportunity to question each and every person who actually
14 made the phone call.

15 THE PRESIDENT. Overruled.

16 MR. PICCIRILLI. Thank you.

17 MR. MOISE. Mr. President.

18 THE PRESIDENT. You can't interrupt.

19 MR. MOISE. Before we proceed, Mr.
20 President, this is important. Point of information.

21 THE PRESIDENT. You can't do this, we
22 already voted on the rules.

23 MR. ROTONDI. After each man testifies
24 he will have a chance to question, but not during the

1 process.

2 MR. PICCIRILLI. Would the Chair per-
3 haps make an explanation to the members of the Council as
4 to the procedure that has been agreed to between the Coun-
5 cil members and counsel for the various parties as to the
6 orderly progression.

7 THE PRESIDENT. The Council will have
8 ample time to ask as many questions that they wish as soon
9 as all the testimony is in.

10 MR. PICCIRILLI. Thank you.

11 THE PRESIDENT. So if you will have
12 some courtesy.

13 VOICE. I can't hear you.

14 THE PRESIDENT. The Council will have
15 ample time to question and ask any questions after all the
16 witnesses have had their chance to testify.

17 MR. EASTON. Mr. President, obviously
18 most of the members of the Council are not legal experts
19 but it seems to me reasonable if a Council member has a
20 procedural question with all this bantering going back and
21 forth, we at least ought to allow procedural questions from
22 the Council members so that the impact of the various state-
23 ments can have the intended effect on the Councilmen.

24 Otherwise if we don't know how we are proceeding, it makes

1 it difficult for us to digest the information. The only
2 fair interruption, if you want to try to limit interruptions,
3 the only interruptions ought to be limited to those per-
4 taining to procedural questions.

5 MR. ROTONDI. The plan that was author-
6 ized by the leadership, the plan was the following, that
7 each man would testify, each individual would testify; at
8 the conclusion of their testimony, each Councilman could
9 ask any questions that they wish, but if everyone jumps up
10 throughout the course of the testimony, it's going to de-
11 stroy the continuity.

12 MR. EASTON. Mr. President, I think I
13 made myself clear, I wasn't raising a question as to whether
14 or not any Council member had the right to interrupt for a
15 question. My point is the Council ought to have that right,
16 for the purpose of clarifying, if we don't understand what's
17 going on, how can we make a proper decision.

18 THE PRESIDENT. We'll have a recess and
19 all the Councilmen will go in the City Clerk's office, and
20 we'll discuss this, so we will not waste as much time as we
21 are doing now.

22 MR. CHAIKA. May I make a suggestion too,
23 to save time?

24 THE PRESIDENT. We are in recess.

(RECESS FROM 9:15 to 9:35 P.M.)

1 ROLL CALL: President Fargnoli: Here.
2 Mr. Addison: Here.
3 Mr. Amalno: Here.
4 Mr. Boyle: Here.
5 Ms. Brassil: Here.
6 Mr. Cirelli: Here.
7 Mr. Cola: Here.
8 Mr. Dillon: Here.
9 Mr. Easton: Here.
10 Mr. Farmer: Here.
11 Mr. Flynn: Here.
12 Mr. Glavin: Here.
13 Mr. Griffin: Absent.
14 Mr. Johnson: Here.
15 Mr. Lynch: Here.
16 Mr. Mansolillo: Here.
17 Mr. Moise: Here.
18 Mr. O'Connor: Absent.
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-three present,
15 three absent. We have a quorum.

16 MR. PICCIRILLI. May I ask the Chair,
17 was there any resolution during the recess?

18 THE PRESIDENT. No resolution, just a
19 clarification, or an understanding.

20 MR. PICCIRILLI. Might I ask the stenog-
21 rapher, please to read back the last couple of questions.

22 (STENOGRAPHER COMPLIED)

23 Q. Mr. Mayor, would you indicate to the members of the City
24 Council, from whom you ascertained at approximately 4:30

1 in the evening that Mr. Cesaro had been contacted and that
2 the plan would be coming to you that afternoon, the after-
3 noon of Monday, the 17th?

4 A. Charlene Hall, on my staff. Charlene Hall directed,
5 in my presence, or a secretary in my office, to reach Mr.
6 Cesaro at approximately ten minutes to four. As I said,
7 when I testified earlier, that he had said the program
8 would be delivered to the office at 4:30. It was not and
9 at 4:35 we attempted to reach him again and there was no
10 response at the Public Works Department, either at the
11 general number or the private number in Mr. Cesaro's office.

12 MR. CHAIKA. Mr. Chairman, I just re-
13 alized that the Mayor has been reading from notes and at
14 this point, I would like the opportunity to examine the
15 notes he's reading from.

16 THE WITNESS. It has not been established
17 that I'm reading from notes. I'm making notes as I go
18 along, but you're certainly welcome to examine them and
19 I'd like to mark them as an exhibit if you'd like.

20 MR. CHAIKA. I'd like to examine them.

21 THE WITNESS. But only those notes,
22 Mr. President, that I will testify that I read from so far.

23 MR. PICCIRILLI. I'd like to indicate
24 on behalf of the Mayor, to the Council, to the President

1 and members of the Council, that Mayor Cianci has been re-
2 ferring to an affidavit which he prepared for the United
3 States District Court and which he presented to the Dis-
4 trict Court on the afternoon, I believe, of November 19,
5 1980.

6 THE WITNESS. He's been in the presence
7 of Mr. Cesaro and others for a while --

8 MR. CHAIKA. Excuse me, Mr. Mayor, you're
9 a witness, would you please conduct yourself as one?

10 THE WITNESS. I think I know how to con-
11 duct myself, Mr. Chaika.

12 MR. CHAIKA. What I'm referring to, Mr.
13 Chairman, are the yellow notes in front of the Mayor which
14 he has been reading from.

15 MR. PICCIRILLI. I have no objection.
16 You may look at those.

17 THE WITNESS. Sure, we'd like to make
18 copies for you if you'd like.

19 MR. CHAIKA. Mr. Chairman, I believe he
20 is a witness, he should be instructed to conduct himself.

21 THE WITNESS. I will make copies, but
22 I'd like them back, please. If you can read my writing.

23 (MR. CHAIKA PERUSING NOTES)

24 MR. CHAIKA. I'll take up the witness'

1 offer for a copy of that.

2 THE WITNESS. Sure. Would you like to
3 recess while copies are being made?

4 MR. CHAIKA. No.

5 Q. My recollection is that the last question and answer was
6 that Charlene, in the Mayor's office, had contacted the
7 Department of Public Works?

8 A. Yes, that's correct.

9 Q. Now, from 4:30 to approximately 6:30 or 7:00, where were
10 you on the afternoon of Monday, November 17?

11 A. In my office.

12 Q. And did anyone deliver to you between 4:30 and, say, 6:30
13 or 7:00 that night, anything from Mr. Cesaro?

14 A. No, sir.

15 Q. You did not receive, is that correct?

16 A. No.

17 Q. Now, did you receive any communications verbally from Mr.
18 Cesaro, or anybody on his behalf, indicating that he'd be
19 late with the delivery of this, or to offer you any ex-
20 planation as to why you did not receive the document?

21 A. No, only as I said, that at ten minutes to four or so,
22 I was advised that it would be at the office approximately
23 at 4:30.

24 Q. After 4:30, it is my understanding that you caused the

1 numbers at the Department of Public Works to be called,
2 both the general number, 467-7950 and the private number,
3 is that correct?

4 A. That's correct.

5 Q. Were you able to reach anyone at the Department of Public
6 Works to contact Mr. Cesaro?

7 A. No, sir.

8 Q. During this period of time, were you informed by the media,
9 or anyone else, of an impending storm?

10 MR. CHAIKA. Objection.

11 A. I knew there was a snowstorm.

12 MR. ROTONDI. Are you going to intro-
13 duce evidence of that?

14 MR. PICCIRILLI. At some point I will
15 put into evidence, when it is proper, authenticated records
16 of the United States Weather Bureau, to show what storm
17 watches were in effect, I will show you by hour, the pre-
18 cipitation that fell and all that. Again I am only trying
19 to obtain from this witness a narration of what happened
20 that evening, all of this will be authenticated at the
21 appropriate time by the appropriate witnesses. Obviously
22 we were all there, we know it snowed that day.

23 THE PRESIDENT. Overruled.

24 A. Yes, earlier in the day, I had been informed that

1 there might be a snowstorm, and approximately --

2 MR. CHAIKA. May I ask what day he's
3 talking about?

4 MR. PICCIRILLI. Mr. Chairman, would you
5 please indicate to counsel that he should make his objec-
6 tions either before the witness starts to answer the ques-
7 tion, or should move to strike after the answer is com-
8 pleted, please.

9 THE PRESIDENT. I think the witness
10 should state the date also, so we all know exactly what the
11 date was. Monday could be any Monday. Let's have the date.

12 Q. On Monday, November 17, were you informed that there was
13 impending at that time a snowstorm?

14 A. Yes.

15 Q. How did you ascertain this?

16 A. From the news, and also from when I learned or heard
17 from various radio stations, television stations, there
18 would be a snowstorm, I asked that the Weather Bureau be
19 called and to get an update from the National Weather Bur-
20 eau as to the impending snowstorm, if there was any valid-
21 ity to it.

22 Q. I bring you now to approximately 9:00 on the evening of
23 Monday, November 17, 1980, were you home at that time?

24 A. Yes, I left my office approximately 7:00. I made one

1 stop, and at the time that I left, I informed Miss Charlene
2 Hall, my Administrative Assistant, to reach Mr. Tibaldi --
3 to keep trying to reach the Public Works Department, and
4 also to reach Mr. Tibaldi.

5 Q. Who is Mr. Tibaldi?

6 A. Traffic Engineer for the City of Providence, and I
7 told her that I'd be returning to my home somewhere around
8 9:00 and wanted an update, and I did return to my home at
9 9:00 P.M.

10 Q. When you got to your home at 9:00, did you have a conversa-
11 tion with Frank Tibaldi, the Traffic Engineer, and Charlene
12 Hall, your Administrative Assistant?

13 A. Yes, when I arrived at my home, they were almost
14 simultaneously pulling up in front of my house, as I was
15 pulling up in front of my house, and we went inside. At
16 that point I had conversation with Mr. Tibaldi and Miss
17 Hall. It was snowing outside and it was cold. At that
18 point, I informed Mr. Tibaldi that I wanted him to give me
19 an update as to the snow, I could not reach Mr. Cesaro,
20 and at that point, he reached Mr. Zanni, Mr. Guy Zanni, at
21 his home, approximately 9:00 P.M.

22 Q. And who is Mr. Zanni, if you know?

23 A. Mr. Zanni is a general foreman in the Highway Depart-
24 ment in charge of maintenance of equipment.

1 Q. Do you know what Mr. Tibaldi told Mr. Zanni to do?

2 A. Yes; Mr. Tibaldi reached Mr. Zanni at home, and at
3 that particular point, Mr. Tibaldi informed me that, through
4 his investigation, no one was called back and Mr. Zanni
5 would "not" go in in order to prepare snow removal equip-
6 ment.

7 MR. CHAIKA. Excuse me, could I just
8 have the last phrase. It was not clear.

9 (LAST PART OF ANSWER READ)

10 MR. PICCIRILLI. Would now go in.

11 STENOGRAPHER. Would "not," Mayor?

12 THE WITNESS. Would "now."

13 A. ...At 9:00 P.M., Mr. Tibaldi reached Mr. Zanni at home,
14 Mr. Zanni was still at home at that particular time, and at
15 that particular point, through Mr. Tibaldi, Mr. Tibaldi in-
16 formed me that no one was in at the garage, and that Mr.
17 Zanni would go in.

18 MR. CHAIKA. Objection, move to strike.
19 Obviously hearsay.

20 MR. PICCIRILLI. Again, this must be
21 supported --

22 THE PRESIDENT. Overruled.

23 Q. Now, did you ascertain through Mr. Tibaldi who in fact was
24 at the highway garage at that time between, say, 7:00 and

1 9:00 at night? No.

2 A. To my knowledge, no one was in, except the dispatcher.
3 The night crew was not called in, the night crew normally
4 goes on duty approximately 11:00. At 9:15 Mr. Richards
5 was reached.

6 Q. Who is Mr. Richards?

7 MR. CHAIKA. Did you say Richard or
8 Ricci?

9 A. ...Richards; was reached.

10 Q. Did you have a conversation with Mr. Richards at approxi-
11 mately 9:15?

12 A. Yes, I did.

13 Q. What did you ask Mr. Richards?

14 A. I asked Mr. Richards where Mr. Cesaro was, if he could
15 reach him for me, and I told him to reach him for me and
16 have him call, he said that he could not find him and that
17 he would try to reach him. I believe he called him on the
18 radio, and he told me that no one was there preparing, and
19 I told him to keep trying and have Mr. Cesaro reach me im-
20 mediately.

21 Q. At approximately 10:15 on that evening, what, if anything,
22 did you do?

23 A. I continually tried to reach Mr. Cesaro. I called him
24 at his home, and I did not reach him. I reached, I believe,

1 his wife. A female answered the phone, I was informed he
2 was not in; I left word there was an emergency, that I
3 wanted him to reach me.

4 Q. Now, between 10:15 and midnight, what occurred?

5 A. I ordered Mr. Tibaldi to go down to the garage, down
6 to the Highway Department, and he remained there from ten
7 to twelve, he left my house at ten, returned about 2:00 A.M.

8 Q. Did you have conversations with him by telephone while he
9 was down at the Public Works Garage?

10 A. Yes. Approximately midnight, I ascertained Mr. Zanni
11 was there, Mr. Accetta, the foreman was in.

12 Q. Repeat that name?

13 A. Mr. Accetta, and I asked where Mr. Cesaro was, and
14 Mr. Cesaro, I was informed by Mr. Tibaldi, showed up at
15 about 12:30 A.M.

16 Q. Did you know whether or not, did you ask Mr. Tibaldi,
17 whether he told Mr. Cesaro that you wanted to speak to him?

18 A. Mr. Tibaldi so informed me that he had asked Mr.
19 Cesaro to reach me, I was --

20 MR. CHAIKA. Objection, move to strike.

21 THE PICCIRILLI. The witness has not
22 answered the question.

23 MR. CHAIKA. He paused, that's why I
24 said it.

THE PRESIDENT. Overruled.

1
2 A. ...At midnight or so, some time after that, I ascer-
3 tained Mr. Zanni was there, I called repeatedly and spoke,
4 to the best of my recollection, to Mr. Zanni, to Mr. Mc-
5 Laughlin -- maybe that was later -- I spoke to a Mr. Rich-
6 ards, I spoke to Mr. Bowie, I spoke to Mr. Melvin, all
7 looking for Mr. Cesaro, all the time. I was informed also,
8 in the ordinary course of conversation, of trying to ef-
9 fectuate my responsibilities, that they had four spreaders
10 that they were trying to get ready to go out and sand the
11 streets. I also was informed later on that this is after
12 12:30, Mr. Cesaro was there, that the keys to the apparatus,
13 to the trucks could not be found because the Wagon Master
14 was unavailable, he worked days and was not called in. His
15 name was described to me as being Mr. D'Amico. Subsequent
16 to that time, I asked Mr. D'Amico to come to my office.
17 Mr. D'Amico came to my office and brought the keys. That
18 was a couple of days later.

19 Q. All right now, if we can, Mr. Mayor, let's get to approxi-
20 mately 1:00 in the morning of November 18, 1980. Do you
21 know whether or not Frank Tibaldi had a conversation with
22 Mr. Cesaro at that time?

23 A. Yes, sir.

24 Q. Do you know whether or not Mr. Tibaldi told Mr. Cesaro to

1 contact you at home?

2 A. Yes.

3 MR. CHAIKA. Objection.

4 A. Mr. Tibaldi informed me at that particular time that
5 he had seen Mr. Cesaro, he spoke to him, that he informed
6 Mr. Cesaro of my orders, and that Mr. Tibaldi informed me
7 that Mr. Cesaro told him he didn't care what the Mayor
8 wanted, ordered Mr. Tibaldi off the premises and then
9 walked away.

10 MR. CHAIKA. Objection, move to strike.

11 THE PRESIDENT. Overruled.

12 Q. Now, do you know whether or not any of the sanding or snow
13 removal equipment in the Public Works Garage was actually
14 dispatched at approximately 1:00 in the morning?

15 A. They were not dispatched. I spoke to the dispatcher,
16 I spoke to -- first of all there were only four pieces of
17 equipment that could have been dispatched. The keys were
18 not available I was informed by the dispatcher, and also by
19 Mr. Zanni, and also by Mr. Bowie, I believe, and by Mr.
20 Melvin. I also was informed that no trucks were sent out.
21 I asked what the night crew was doing, and I was informed
22 by the personnel there on the phone, that they were sweep-
23 ing the garage.

24 MR. CHAIKA. Objection. We don't even

1 know where the hearsay is coming from.

2 A. ...I was informed that they were sweeping the garage.

3 MR. CHAIKA. Objection, move to strike.

4 THE PRESIDENT. Overruled.

5 Q. At about 4:00 in the morning, did you have any conversa-
6 tions with anybody in the Highway Garage?

7 A. Yes. I spoke with several people in the Highway Gar-
8 age. I believe that's the time I spoke to Mr. Bowie and
9 Mr. Melvin and others.

10 MR. CHAIKA. Excuse me, what time?

11 THE WITNESS. It is Number 7 on the
12 Affidavit. It is Mr. Bowie, Mr. Melvin and others who were
13 there.

14 Q. Did you ask at that time to speak to Mr. Cesaro?

15 A. Yes, I did.

16 Q. What were you informed by the persons to whom you spoke?

17 A. That he was not there, that he was out getting coffee,
18 I believe.

19 Q. Did you have an opportunity to speak to the general foreman
20 or the night foreman at that time?

21 A. I spoke with several people in the Highway Garage and
22 was informed neither the general foreman nor the night fore-
23 man was available to speak with. At this time I was also
24 informed, as I said, the keys to the trucks were not avail-

1 able, the Wagon Master who worked days was not at home,
2 no way of reaching him. They had a wrong telephone number
3 or wrong address for him. By this time the storm had in-
4 creased in severity, and once again I attempted to reach
5 Mr. Cesaro at home at approximately 4:25 A.M.

6 MR. CHAIKA. Objection, move to strike.
7 All hearsay.

8 MR. PICCIRILLI. That's clearly not
9 hearsay, what the Mayor tried to do at 4:25 A.M. is not
10 hearsay.

11 MR. CHAIKA. I think what he was in-
12 formed, several times in his answer, was hearsay.

13 THE WITNESS. I'm only reporting as to
14 my activities and actions.

15 MR. PICCIRILLI. For the benefit of the
16 President and members of the Council, we will at the ap-
17 propriate time subpoena in all witnesses, persons who have
18 been identified, to give their testimony.

19 THE PRESIDENT. Overruled.

20 Q. Now, at 4:25 A.M., did you attempt to contact Mr. Cesaro
21 at home?

22 A. Yes, I did.

23 Q. And what happened?

24 A. I called his telephone number in Lincoln, Rhode Island,

1 and the line was busy. I tried two, three, four times,
2 and it was busy for a while.

3 Q. Did you ask someone at the Telephone Company to cut into
4 that conversation?

5 A. Yes, I did.

6 Q. And to whom did you speak?

7 MR. CHAIKA. Objection.

8 THE PRESIDENT. Sustained.

9 Q. Whom did you speak to at approximately 4:25 A.M.?

10 At 4:25, not being able to get through to the line because
11 it was busy, I called the emergency operator, dial Opera-
12 tor or "O" on the phone, and stated that -- I identified
13 myself as Mayor Cianci of Providence, I stated at that time
14 that there was a snowstorm and it was an emergency situa-
15 tion, I had to get in touch with the Director of Public
16 Works.

17 Q. Did the person with whom you spoke, did that person identi-
18 fy himself?

19 A. Yes.

20 MR. CHAIKA. Objection, move to strike.

21 Obvious hearsay.

22 THE PRESIDENT. Overruled.

23 A. ...I asked the operator to identify himself. It was
24 Operator 615 of the New England Telephone Company who was

1 working on that morning at approximately 4:25.

2 MR. CHAIKA. Objection, move to strike.

3 THE PRESIDENT. Overruled.

4 Q. What conversation did you have with this telephone operator
5 at that time?

6 A. At that time, I asked the operator to try to break
7 into the line because it was a matter of public emergency.
8 He said he would do it.

9 MR. CHAIKA. Objection as to what he
10 said.

11 THE PRESIDENT. Overruled.

12 Q. Did you have a further conversation with the person who was
13 purported to be an operator for the Telephone Company at
14 that time?

15 A. Yes.

16 Q. What did that person tell you?

17 A. He checked the line about three times. He determined
18 that there was conversation on it. He told me that he in-
19 terrupted the conversation, and that the person who was on
20 the phone stated to him that they would hang up so that he
21 could connect myself and the number and the line.

22 Q. Did he attempt to contact the telephone number at that time?

23 A. Yes, he did.

24 MR. CHAIKA. Objection, how would he
know?

1 THE PRESIDENT. Overruled.

2 A. The first time he tried to do that, he stated, "Mayor,
3 hang on, he said they are going to get off the line, I'll
4 be able to put you through." I waited about 30 seconds or
5 so, and I said, "Operator, what's happening?" And he said,
6 "Gee, let me try it again." He tried it again, and he
7 didn't know, quote, what was going on. He then stated --

8 MR. CHAIKA. Objection. Move to strike.

9 THE PRESIDENT. Overruled. Let him
10 finish his story.

11 MR. CHAIKA. I object to the hearsay
12 parts only.

13 A. ...He then stated to me that after checking the line,
14 he stated he didn't know what was going on; he said, quote,
15 "Someone is trying to do a number on you."

16 MR. CHAIKA. Objection, move to strike.

17 A. ...Which was acceptable.

18 THE PRESIDENT. What do you mean by
19 number?

20 THE WITNESS. That's what he said. He's
21 going to be a witness.

22 MR. ROTONDI. Is he going to testify?

23 MR. PICCIRILLI. Yes, we will subpoena
24 him in.

1 with Mr. Cesaro at approximately 5:35 A.M.

2 A. This was early Tuesday morning, he called, I identified
3 myself and asked him where he was, I asked him where the
4 snow removal plans were, that I had ordered four or five
5 days ago. He stated he had delivered them to my office the
6 day before yesterday, or the day before that, which would
7 have been a Saturday or a Sunday.

8 Q. Did you inform Mr. Cesaro of that fact?

9 A. Yes, I did.

10 Q. And did you inform Mr. Cesaro of the fact that you still
11 did not have in your possession the written plans that you
12 had demanded?

13 A. That is correct.

14 Q. What did Mr. Cesaro finally say to you concerning that?

15 A. I then ordered --

16 Q. No, no, before you get to that, did Mr. Cesaro respond to
17 you as to the whereabouts, or the location of the written
18 plans for snow removal?

19 A. Yes, then he told me he did not have them.

20 Q. He told you that morning he did not have them?

21 A. That is correct.

22 Q. After he had told you that the plans had been delivered to
23 you a day or two before then?

24 A. That is correct. When I reminded him the day or two

1 before was either a Saturday or Sunday, he said, "I didn't
2 deliver them."

3 Q. Oh. Did you then have a conversation with Mr. Cesaro con-
4 cerning the deployment of sanding vehicles to spread sand?

5 A. Yes.

6 Q. Did you tell him what the weather conditions were?

7 A. Yes, I told him it was an emergency. I then ordered
8 him to get the sanders out because of road conditions; he
9 refused.

10 Q. What do you mean he refused?

11 A. He told me no, he had the problem and that he would
12 handle it. I told him he hadn't handled the problem; I
13 then told him at that particular point that he was sus-
14 pended from his job as Director of the Department of Public
15 Works.

16 Q. Why did you suspend Mr. Cesaro early that morning?

17 MR. CHAIKA. Objection.

18 A. Because of his failure to produce a plan, because of
19 his failure to respond to me in a letter that I sent to him
20 on the 13th and the 14th, because of his failure to be con-
21 tacted, by his failure to order out snow removal equipment,
22 by his failure and lack of supervision over the Department
23 of Public Works in a time of emergency and threatened peril
24 to the citizens of the City of Providence, and furthermore,

1 because I felt he did not do his job, and he was insubordi-
2 nate.

3 Q. Did Mr. Cesaro respond to you when you informed him that
4 you were suspending him?

5 A. Yes, he did.

6 Q. What did he say to you?

7 A. He repeated himself several times and told me I did
8 not have the authority to suspend him. He said he would
9 decide when he'd leave. He told me he'd decide what the
10 story was, and told me that he would run the department,
11 and that as far as he was concerned, that I had no power
12 to suspend him from office.

13 Q. Relate to the members of the Council and to the Council
14 President, the weather conditions which were existent
15 at about 5:30 in the morning of November 18. What was the
16 weather at that time?

17 A. The weather condition at that time, I went outside my
18 house to once again look at it, it was, the snow was still
19 falling, it was turning to almost an icy kind of rain, it
20 certainly was perilous, certainly no trucks had been out,
21 no trucks, no sand had been thrown, no salt had been thrown,
22 no plows had been out. As a matter of fact it was no plows
23 at that time because it was probably less than two or three
24 inches, but no sanders were out. For plows to go out it

1 has to be at least two and one-half inches, and I looked
2 over the situation, best I could from my vantage point, to
3 determine that the city was certainly in a crippled condi-
4 tion.

5 Q. Did you have any conversations with members of your staff
6 concerning the weather conditions and what they had ex-
7 perience that evening?

8 MR. CHAIKA. May I have a time fixed for
9 the questions.

10 MR. PICCIRILLI. I will ask the Mayor.

11 Q. What time did you have a conversation with persons who were
12 with you, for example, Mr. Tibaldi? Did you have a con-
13 versation with him concerning the weather conditions?

14 A. Oh yes, throughout the evening and obviously he re-
15 turned to my home sometime early in the morning, around
16 two-ish or so, and informed me the weather conditions were
17 getting bad and the snow was falling and there was snow,
18 there was ice, and it was cold.

19 Q. Now, had Mr. Cesaro made any request of you to call back
20 personnel in order to combat that storm, that is, on the
21 evening of November 17, the early morning hours of the 18th,
22 did you ever get any communications from Mr. Cesaro, where
23 he requested you to call back personnel in order to combat
24 that storm?

1 A. No.

2 Q. If Mr. Cesaro had contacted you and wanted additional man-
3 power to combat that storm, what would you have done?

4 A. Every single time there's been a snowstorm in the city,
5 as long as I have been Mayor and before, whenever there is
6 an emergency, there's always overtime paid to workers and
7 crews called back.

8 Q. Now, with reference to the actions of suspension of Mr.
9 Cesaro, would you have suspended Mr. Cesaro if on the morn-
10 ing of November 18, 1980, at approximately 5:35 A.M., he
11 had said to you, 'Yes, Mr. Mayor, I will send the trucks
12 out right now'?

13 THE WITNESS. Would I have?

14 MR. PICCIRILLI. Yes.

15 A. He did not give his plan to me prior to that, and to
16 me that was insubordinate and besides that he didn't do
17 the job; that's why I suspended him.

18 Q. Did you ever receive from Mr. Cesaro any sort of an indica-
19 tion from him that he could not do the job of snow removal
20 on that evening because he did not have personnel?

21 MR. CHAIKA. Objection.

22 A. No, sir.

23 MR. CHAIKA. Calls for conclusion.

24 THE PRESIDENT. Overruled.

x 1 Q. On the morning of November 18 at 5:35 A.M., did he say to
x 2 you, 'I cannot remove snow or sand because I don't have the
3 manpower'?

4 A. No, sir.

5 Q. How many people, to your knowledge, were down in the Public
6 Works Garage on the morning of November 18?

7 MR. CHAIKA. May I have the time frame?

8 A. To my knowledge the morning of --

9 Q. When the night crew came on, between midnight and 6:00 A.M.?

10 A. To my knowledge, there were 11 people who were to re-
11 port, but that was all night crew, but available for call-
12 back and overtime were 151 laborers, seven heavy equipment
13 operators and 59 equipment operators, truck drivers.

14 MR. CHAIKA. May I have that read back?

15 THE WITNESS. One hundred fifty-one
16 laborers, to my knowledge, six or seven heavy equipment
17 operators, over 50, 57/59 truck drivers, that were still
18 on the city payroll.

19 MR. CHAIKA. Fifty-seven what?

20 THE WITNESS. Equipment operators.

21 VOICE. Truck drivers.

22 Q. Did you cause a letter to be sent to Mr. Cesaro on November
23 18, 1980, in writing, causing him to be suspended?

24 A. Yes, I believe I did.

1 THE PRESIDENT. May we have a copy of
2 that letter?

3 MR. PICCIRILLI. I will ask the Mayor
4 to identify it. I believe a copy of that has been attached
5 to the charges presented to the Council on November 20.

6 MR. CHAIKA. This goes back to the point
7 I raised earlier in the evening. Something dated November
8 20, and something dated November 18, I think we ought to
9 clarify for the record, Mr. Chairman, I think if you can
10 examine both of them, which set of charges we're supposed
11 to be defending here today.

12 MR. PICCIRILLI. Well, I don't want to
13 make any argument at this point. The letter of suspension
14 is dated November 18, a copy of the charges and specifica-
15 tions were submitted on November 20. They are two separate
16 and distinct documents. I'm asking the witness if he can
17 identify the letter of suspension of November 18.

18 MR. CHAIKA. We have no quarrel, we
19 admit receiving them. The question is which of the charges
20 that are before the Council.

21 THE WITNESS. The question is on Novem-
22 ber 18, did I cause this letter to be written; yes, this was
23 the formalization of the charges that that were outlined
24 orally to Mr. Cesaro, the evening or the day before or the

1 morning of.

2 MR. PICCIRILLI. I'd like to make a
3 motion to introduce into evidence, a copy of the letter of
4 November 18, as a separate and distinct document.

5 MR. CHAIKA. I don't think that's re-
6 quired in evidence. That was on file with the City Clerk.
7 That's the trigger of these proceedings. That's the sus-
8 pension notice.

9 MR. PICCIRILLI. I'd like to preserve
10 my record for whatever purpose is necessary. I am not
11 going to tell Mr. Chaika how to prepare or present his case,
12 I'd ask he not infringe on my record.

13 MR. CHAIKA. In a criminal case or civil
14 case, a complaint is not evidence. It is never introduced
15 in the record. Indictments are never introduced in the
16 record. These are merely charges or suspension notices.
17 We'll admit for the record they were received and they
18 serve no other purpose. I strenuously object to that.

19 MR. PICCIRILLI. Again, I am introducing
20 into evidence a document that was sent by the Chief Executive
21 to the Department Director formalizing and putting in writ-
22 ing the reasons for suspension which were orally given at
23 5:35 A.M. on the morning of November 18. Perfectly appro-
24 priate.

1 MR. CHAIKA. I'd like to state for the
2 record, my reason is anything introduced into evidence can
3 be used as evidence on the merits, and charges have no place
4 in evidence.

5 THE WITNESS. That's my statements.

6 MR. SNOWDEN. Mr. President, it is my
7 understanding that the letter being sent by the Mayor would
8 not become evidence until such time as presented to the
9 City Council, according to our own rules.

10 THE PRESIDENT. We'll accept both letters
11 for evidence.

12 MR. CHAIKA. Note my exception. For
13 the record, which document is marked?

14 MR. PICCIRILLI. I have only offered into
15 evidence, the letter of November 18; I have not offered into
16 evidence a copy of the charges of November 20. I am merely
17 offering the letter of November 18.

18 (CITY EXHIBIT 3 MARKED)

19 Q. Mr. Mayor, mas I ask you to please read that letter for the
20 record?

21 A. Yes, the purpose of my drafting this document was to
22 inform Mr. Cesaro of the reasons for his suspension, and
23 also hereby ordering him to do certain things like stay off
24 the premises. The letter was written to Mr. Cesaro and

1 hand delivered by the Providence Police Department. It
2 states, "Dear Mr. Cesaro: You are hereby notified that,
3 pursuant to the provisions of Section 4.30 of the City
4 Charter of the City of Providence, I am suspending you as
5 Director of Public Works for cause. The reasons for your
6 suspension are: (1) That you are guilty of insubordination
7 for failing to respond to and carry out my orders.

8 "(2) In that your refusal to send out snow removal
9 vehicles has endangered the public safety; and

10 "(3) Neglect of duty by refusing to furnish to me
11 a detailed plan for snow removal after demand.

12 "A copy of the specific charges will be presented to
13 you at the same time as they are presented to the Council.

14 "Until the City Council makes a decision on these
15 charges, you are hereby ordered off Public Works' premises
16 and you are to return to the Deputy Director all City
17 property including motor vehicles in your possession."

18 Simultaneously when I did this, not the letter but when I
19 made the decision, I informed Mr. Lembo, the Professional
20 Deputy City Engineer, that he would assume the duties. I
21 called him at home, and he went down to the Public Works
22 Department.

23 Q. After you caused the letter of suspension to be served on
24 Mr. Cesaro, were you informed that Mr. Cesaro, through his

1 attorney, had commenced an action in the United States
2 District Court for the District of Rhode Island challeng-
3 ing your actions in suspending him?

4 A. Yes.

5 Q. And is this a copy of the complaint filed in the United
6 States District Court by Mr. Cesaro on November 18, 1980?

7 (DOCUMENT SHOWN TO MR. CHAIKA)

8 MR. PICCIRILLI. Mr. President, I'd like
9 to offer into evidence at this hearing a copy of a complaint
10 in Civil Action File Number 80-0593. It is an action com-
11 menced in the United States District Court for the District
12 of Rhode Island on November 18, 1980 and the caption of the
13 case is Clement J. Cesaro, Plaintiff, versus Vincent A.
14 Cianci, Jr., in his capacity as Mayor of the City of Provi-
15 dence, Stephen Napolitano, in his capacity as City Treasurer,
16 and also against the City of Providence, and the complaint.
17 I would like to offer it into evidence.

18 MR. CHAIKA. No objection, I don't see
19 its relevance, but no objection.

20 (CITY EXHIBIT 4 MARKED)

21 MR. PICCIRILLI. Very briefly, I would
22 like to point out to the members of the Council and the
23 President, that the complaint alleges in part that the
24 actions of suspension by the Mayor of Mr. Cesaro --

1 MR. CHAIKA. I object to any paraphras-
2 ing, that's in the nature of argument. If he wants to read
3 it --

4 THE PRESIDENT. Sustained.

5 MR. CHAIKA. Thank you.

6 MR. PICCIRILLI. I don't want to take
7 all the time to read it, it's a lengthy document, but if
8 that's the way it's got to be, may I ask the Clerk to read
9 it. If you want I'll read it. It doesn't matter to me.

10 THE WITNESS. I haven't been asked --

11 MR. CHAIKA. I admitted it into evidence,
12 so you don't have to.

13 A. Yes, that's the one. Yes, this is a document which I
14 was served.

15 Q. Before I ask you to read it, at the same time that that
16 document was filed, did Mr. Cesaro make an application for
17 a Temporary Restraining Order to restrain you from suspend-
18 ing him?

19 A. Yes, he did, filed with the United States District
20 Court before Honorable Justice Pettine.

21 Q. Mr. Mayor, is that the application for a Restraining Order
22 that was filed contemporaneously with the complaint in
23 Federal Court?

24 THE PRESIDENT. Council will be at ease.

(COUNCIL AT EASE)

1 THE PRESIDENT. Could I have your at-
2 tention please, let's have some quiet, it is getting to
3 the hour of 11 and we intend to quit at 11:00 regardless
4 of who is on the stand and what sentence we are on.

5 A. Yes, this is the application for a Temporary Restrain-
6 ing Order that I was served with by Mr. Cesaro, or his at-
7 torney, suing me for a million dollars and the City of
8 Providence for five million dollars.

9 MR. PICCIRILLI. I offer that document
10 into evidence as Plaintiff's Exhibit 5.

11 (CITY EXHIBIT 5 MARKED)

12 MR. CHAIKA. I think that's a duplica-
13 tion of 4.

14 (DOCUMENTS COMPARED)

15 MR. CHAIKA. Okay, no objection.

16 MR. PICCIRILLI. Let the record show
17 there was also a memorandum filed with the application for
18 a Restraining Order. I haven't put that in.

19 Q. Mayor Cianci, on or about November 19, 1980, did you pre-
20 pare --

21 MR. CHAIKA. Excuse me just one second,
22 just for clarification; which of those documents is Ex-
23 hibit 4, and which is Exhibit 5?

24 MR. PICCIRILLI. Four is the complaint,

1 5 is the application for a Restraining Order.

2 MR. CHAIKA. Thank you.

3 Q. Mr. Mayor, on or about November 19, 1980, did you prepare
4 an affidavit for a presentation to the United States Dis-
5 trict Court in the matter of Clement J. Cesaro versus Vin-
6 cent A. Cianci, Jr., et al?

7 A. Yes, I did.

8 Q. I will ask you to identify this document, if you would.

9 MR. CHAIKA. Mr. Chairman, we have had
10 an awful lot of documents here. I assume the representa-
11 tion that was made that copies are going to be made for all
12 Councilmen, similarly all copies will be made of all the
13 documents for myself?

14 THE PRESIDENT. I'm assuming that's what's
15 going to happen, unless -- I don't know whether or not we
16 can have those --

17 MR. PICCIRILLI. I have no objection if
18 the City Clerk makes copies of those.

19 THE PRESIDENT. Will the counsel have
20 all the copies made for us? I would suggest that we leave
21 them with the stenographer. The City Clerk Department can-
22 not afford them. I think you should have a copy made for
23 us. We can't afford it, period.

24 MR. PICCIRILLI. All right, with the

1 permission of the City Council, I would ask to retrieve
2 from the stenographer the exhibits and I will have copies
3 made for the Council. I will be as cooperative as I can.

4 THE PRESIDENT. That's very good.

5 MR. PICCIRILLI. I would like to offer
6 into evidence, I believe it's Proponent's Exhibit 6, a
7 copy of the affidavit which was filed in the United States
8 District Court.

9 MR. CHAIKA. I object.

10 THE PRESIDENT. What's that again, I
11 didn't hear it.

12 MR. PICCIRILLI. I was offering into
13 evidence the document identified by the Mayor as the affi-
14 davit that he prepared in opposition to the application for
15 a Restraining Order filed by Mr. Cesaro in the District
16 Court.

17 THE PRESIDENT. Overruled.

18 MR. CHAIKA. He said he was offering it,
19 just now. Why I objected is because he said he wanted it
20 read.

21 MR. PICCIRILLI. No, no, I'm sorry, I
22 was just offering it.

23 THE PRESIDENT. I didn't hear him say
24 that.

(CITY EXHIBIT 6 MARKED)

THE PRESIDENT. Overruled. Continue.

Q. Did you attend a hearing in Chambers in the United States District Court on November 19, 1980, at approximately 4:00 P.M. before Mr. Justice Pettine?

A. Yes, it was an open hearing.

MR. CHAIKA. I object, at this point, we are going far afield from the reason for the suspension and the purpose of this hearing.

THE PRESIDENT. Sustained.

Q. What occurred in Mr. Justice Pettine's Chamber on the afternoon --

MR. CHAIKA. Objection.

THE PRESIDENT. Sustained, just continue. Let's forget what happened in Pettine's Chamber. Let's continue.

MR. PICCIRILLI. I'd like to make an offer of proof. Since the questions have been sustained, my offer of proof to the Council will be that on the afternoon of Wednesday, November 19, '80, a hearing for a Restraining Order was held in the Chambers of Mr. Justice Pettine. It was an open hearing at which time members of the press were present, Mr. Cesaro was present by his attorney, Mayor Cianci was present with his attorney, the

1 Judge read the complaint, the accompanying affidavits, the
2 counter-affidavit filed by Mayor Cianci and the Court ruled
3 at that time that it would not issue a Restraining Order
4 in this matter. And the Court also gave reasons why the
5 Restraining Order would not be issued, that is because they
6 were within the four corners of the complaint itself, and
7 in the supporting affidavits, there was a question of fact
8 as to the purpose or the reasons why Mr. Cesaro has been
9 suspended, and I offer that for the benefit of the members
10 of the Council. I'd also like to indicate to the members
11 of the Council that an answer has been seasonably filed to
12 that complaint and the matter is pending before the United
13 States District Court on Mr. Cesaro's application for a
14 preliminary and a permanent injunction together with damages.
15 I make that as an offer of proof.

16 Q. Is there anything else you would like to add at this point,
17 Mr. Mayor?

18 A. No.

19 MR. PICCIRILLI. No further questions.

20 THE PRESIDENT. Councilman Snowden.

21 MR. SNOWDEN. I have a question. If
22 this is in fact a Council proceeding, how someone outside of
23 the Council can take back the records of it and reproduce
24 them for us?

1 MR. ROTONDI. I think he asked permission
2 and there was no objection.

3 THE PRESIDENT. He asked permission.

4 MR. PICCIRILLI. Mr. President, Members
5 of the Council, I thought I was doing the Council a favor.
6 If you want to copy them it is okay with me.

7 THE PRESIDENT. You did ask permission,
8 I don't think anybody objected, and it can save us an awful
9 lot of money that we can't afford at this time.

10 MR. SALVATORE. Are we open for ques-
11 tions now? Is that the idea?

12 MR. CHAIKA. If you'd like.

13 MR. SALVATORE. I have to have something --
14 in my mind, I don't remember what it was like at 7:00 on
15 November what, 17, the Monday. I don't recall the condi-
16 tions at that time, and I would like to know --

17 MR. PICCIRILLI. Mr. Councilman, I did
18 indicate to you that at the appropriate time, I would
19 introduce to you records of the U. S. Weather Bureau, and
20 that those records will ascertain what amount of precipi-
21 tation was on the ground, when it fell and what have you.
22 It is very possible that at 7:00 at night, there might have
23 been a foot of snow on the ground, and it may be possible
24 no snow was on the ground. I think the witness is testify-

o

1 ing to the best of his recollection and I did indicate to
2 the Council that I would introduce the appropriate docu-
3 ments from the Weather Bureau at the appropriate time to
4 ascertain that.

5 MR. SALVATORE. In my mind, in putting
6 those two things together as to how much snow was on the
7 ground at 7:00 P.M. and whether or not the Director should
8 have been called in at that time, I can't ascertain that.

9 MR. PICCIRILLI. I believe the thrust
10 of the affidavit and the thrust of the testimony concerns
11 itself really at 5:35 A.M. on the morning of November 18.
12 I think that's the critical time. I believe the rest of it
13 was all prior to that time, but I don't want to be accused
14 of arguing the case in advance.

15 MR. SALVATORE. In fact at 10:15, wasn't
16 Mr. Tibaldi ordered to go down to the Highway Department,
17 so that's long before 5:00 A.M. in the morning.

18 MR. PICCIRILLI. That's correct.

19 MR. SALVATORE. Also, is there one set of
20 keys for the equipment?

21 MR. PICCIRILLI. I really don't know, I
22 can't answer that.

23 THE WITNESS. I was informed, Mr. Sal-
24 vatore, when I called down there that they could not find

1 the keys. That information was given to me by several
2 members who talked to the Public Works crew on duty who
3 gave that information.

4 DIRECT EXAMINATION BY MR. PICCIRILLI (Continued)

5 Q. Mr. Mayor, have you done anything subsequent to that time
6 to ensure the fact there are ample keys available for the
7 operation of the vehicles in the Public Works Department?

8 A. Yes, Mr. D'Amico came to my office a few days after-
9 wards and gave me an envelope marked "Keys," and we now
10 have keys in the Mayor's office, and I believe they have
11 been given to Mr. Lembo. I was informed at that time they
12 couldn't find the keys to the trucks.

13 MR. PICCIRILLI. Thank you.

14 MR. MOISE. Mr. President, I have a
15 couple of questions.

16 BY MR. MOISE:

17 Q. I have a weather report in front of me, for that day, and
18 it happens to say, Mayor said 9:00, call the people to come
19 back to work. It is funny it says, logged with the Weather
20 Bureau, first snow was logged at 9:15, right, and then
21 again, now, from midnight, after 2:00, we had a hell of a
22 rain storm and that's when all this confusion was going on,
23 it was pouring rain until 2:50 A.M. It is kind of funny,
24 I raise the argument about snow, and we are in the middle

1 of the rain storm washing all the previous snow away.

2 A. There was no question at that time there was precipi-
3 tation and also storm warnings and if anyone bothered to
4 call the Weather Bureau, it was storm warnings, Mr. Moise,
5 posted that afternoon.

6 Q. Because I went to my car, there was a ticket on my car,
7 there was no snow on the car.

8 A. They might have logged snow at 9:15 in certain parts
9 of the state. However, there was no question there was an
10 impending emergency in the City of Providence, as evidenced
11 by the next morning when emergency vehicles went out which
12 the witness will so testify.

13 Q. In reference to the keys --

14 A. Snow just doesn't come, we ~~were~~ warned about it.

15 Q. See the keys, in my mind, I can't understand why -- is
16 there a board down there that they keep all the keys on.
17 I mean you got a mess of equipment down there. You know,
18 backhoes, all kinds of garbage trucks, isn't there a board
19 down there, or does this guy carry all the keys in his
20 pocket?

21 THE WITNESS. Is that a question of me?

22 MR. PICCIRILLI. If you can answer the
23 question.

24 (QUESTION READ)

1 A. That's a very good question that the Director might be
2 asked.

3 MR. EASTON. I have a couple of ques-
4 tions for the Mayor.

5 BY MR. EASTON:

6 Q. I was given to understand from the testimony that apparent-
7 ly after you suspended Mr. Cesaro, you then turned over
8 operation of the department to Mr. Lembo, who you've identi-
9 fied as the Deputy Director of Public Works?

10 A. City Engineer, I believe, I don't know, second one in
11 charge.

12 Q. That's the question in my mind though, was he in fact the
13 second in command at the time of the storm?

14 A. To my knowledge, yes, Mr. Easton.

15 Q. Can I ask then why Mr. Lembo was not called in all the con-
16 fusion about being able to reach Mr. Cesaro; wouldn't it
17 have been appropriate at that time instead of speaking with
18 Mr. Richards and several others, to attempt to reach Mr.
19 Lembo?

20 A. Mr. Lembo was contacted by me. Remember I had the
21 Traffic Engineer who was readily available. I had always
22 hoped that I would find Mr. Cesaro ~~imminently~~ waiting every
23 minute for his phone call, but it never came, until 5:35 A.M.
24 when it was too late, the city was paralyzed.

1 THE PRESIDENT. Quiet please.

2 A. ...As far as Mr. Lembo was concerned, when speaking to
3 Mr. Lembo subsequent to that, finding out his movements of
4 the evening, he informed me that on that afternoon, earlier
5 that afternoon or later that afternoon, he was advised by
6 the Director to go around and get some private contractors
7 signed up for snow removal and also was asked to check on
8 the available sand. I want to deal with the Director of
9 Public Works, and I had every confidence that the Public
10 Works Director would either be at his post or would be at
11 home or would be certainly, after he received messages
12 from me, would contact me. At that particular point, I
13 certainly relied on staff and relied on the people who were
14 on the job at the Public Works Department to determine if
15 they had received any instructions, and they obviously
16 hadn't.

17 Q. I just want to rephrase my question, because my point is if
18 you were not able to reach the Director of the Department,
19 and you felt that an emergency was in fact imminent, it
20 would seem logical to then attempt to reach the Deputy Di-
21 rector; did you attempt to reach the Deputy Director, and
22 how did you do so?

23 A. To my recollection, we attempted to reach Mr. Lembo,
24 I asked staff to reach Mr. Lembo, but at that particular

1 point it was getting to the point where I wanted to exer-
2 cise the emergency powers of my own office, as you well
3 know are delineated in the Charter, to try to direct the
4 cleanup of the city.

5 Q. Can I further ask at what time you attempted to reach Mr.
6 Lembo and who you directed to so reach him?

7 A. Staff would have tried to reach people in the pecking
8 order of authority, but as you know when the weather report
9 came in and we tried -- my main concern was trying to reach
10 Mr. Cesaro, and not being able to reach him as the evening
11 went on to find out what exactly he had done, my main con-
12 cern was dealing with the implementating of personnel.
13 Those people such as the general foreman, the dispatcher,
14 and those people who had direct authority in order to dis-
15 patch vehicles.

16 Q. Mr. Mayor, I have to repeat my question, because I am not
17 sure of the answer.

18 A. I think I have answered it. Mr. Piccirilli.

19 Q. Did you at any time attempt to reach Mr. Lembo, and who
20 did you order to so attempt and at what time did you make
21 that?

22 A. I finally reached Mr. Lembo when I had thrust upon him
23 the duties of the directorship of Public Works, which was
24 approximately 5:35 A.M.

1 Q. Did you at any time during the night of November 17 and the
2 morning of November 18, between the hours of approximately
3 4:30 on November 17, P.M., and 5:30 A.M. on November 18,
4 direct anyone to attempt to reach Mr. Lembo, who was that
5 person and what was the time at which you directed them to
6 attempt to reach Mr. Lembo?

7 A. I don't recall. I don't recall. I don't believe so.

8 MR. PICCIRILLI. Mr. President.

9 MR. EASTON. I did have one other ques-
10 tion if I might.

11 MR. MOISE. I have a question too.

12 MR. PICCIRILLI. I only have --

13 THE PRESIDENT. Councilman Easton is
14 talking right now --

15 MR. PICCIRILLI. I don't know how I can
16 properly address the Chair and make the comment that I
17 would like to make, I don't want to be accused of somehow --

18 THE PRESIDENT. At the present time
19 Councilman Easton has the floor and he wishes to ask another
20 question.

21 MR. EASTON. Thank you very much.

22 Q. The second question I have, is; there has been much discus-
23 sion about your having ordered Mr. Cesaro not to use over-
24 time in the Department of Public Works, and yet you stated

1 in your testimony earlier, and I have to paraphrase it be-
2 cause I didn't get the exact quote, but something to the
3 effect, there's always been overtime paid and crews called
4 back in snow emergencies, my question is in your order
5 directing that no overtime be paid, and I think there was
6 at least one such order in recent weeks, did you specifical-
7 ly authorize him to allow overtime in the event of emergency
8 and what would be the process for that time?

9 A. That's correct, that emergencies would dictate obvious-
10 ly the calling back of people in critical storms or when we
11 needed to in order to protect the city.

12 Q. Was his procedure then to call you to clear an emergency,
13 or was he to make a determination?

14 A. No, he did make a determination indirectly.

15 THE PRESIDENT. Councilman Stravato.

16 MR. PICCIRILLI. The only objection I'd
17 like to make is I don't know how -- obviously Mr. Chaika has
18 the ability to object to questions asked by me when I am
19 presenting a witness, I don't know what the procedure is,
20 can I --

21 THE PRESIDENT. I think the Councilmen
22 have a right to ask whatever questions they want.

23 MR. PICCIRILLI. Whether material or not?

24 THE PRESIDENT. Yes. I think they have

1 a right as Councilmen.

2 BY MR. STRAVATO:

3 Q. Mr. Mayor, I think we all remember the blizzard of '78, I
4 think many Councilmen were out during that blizzard.

5 A. Blizzard of '78, that's not relevant.

6 MR. STRAVATO. I am trying to make a
7 point that it is relevant to what has taken place.

8 Q. ...and during that storm I was out like many Councilmen
9 helping out, and at that time I received a call from
10 Mr. Dombrowsko to help coordinate the snow removal in the
11 7th Ward because at that time Nick Romano had taken sick.
12 I think in '78 Dan Healy was Director of Public Works; my
13 question to the Mayor would be, during that period who was
14 in charge of snow removal, was it Dombrowsko or Dan Healy?

15 THE PRESIDENT. Talking about '78 or '80?

16 MR. STRAVATO. The blizzard. What I'm
17 asking is who was in charge of snow removal --

18 THE PRESIDENT. We're not talking about
19 '78, we're talking about the present time. I think you are
20 out of order. Stick to the subject.

21 Q. All right, the question would be who is in charge of snow
22 removal in the City of Providence?

23 THE PRESIDENT. At the present time?

24 MR. STRAVATO. Yes.

1 THE WITNESS. At the time of November 17
2 you are talking about, not today?

3 MR. STRAVATO. Yes, sir.

4 A. Clement Cesaro.

5 MR. CHAIKA. I believe the Mayor earlier
6 said he was in charge of everything.

7 THE WITNESS. Responsibilities are deleg-
8 able under the Charter of the City of Providence, as you
9 well know, Mr. Chaika, I said.

10 MR. PICCIRILLI. I don't really want to
11 at this point make another observation other than I thought
12 the rules were witnesses would be subject to cross-examina-
13 tion and then questions by members of the Council, and I
14 tried to make that point before. I thought we had agreed
15 that witnesses would be presented, it would be subjected to
16 cross-examination and after the matter had been completed,
17 at that point members of the Council could ask questions
18 for clarification.

19 MR. SALVATORE. I think at this time we
20 have more right to speak than the counsel has, as Council
21 members.

22 MR. PICCIRILLI. I'd ask the stenographer
23 to read back --

24 THE PRESIDENT. I think at this time I

1 should ask the counselor, the defendant, whether or not he
2 wants to cross-examine the Mayor.

3 Counselor, I should ask you at the present time whether
4 or not you'd like to start your cross-examination of the
5 Mayor.

6 MR. CHAIKA. Since it's so close to
7 11:00, I would prefer not to interrupt my cross-examination
8 and I'd like to defer it to the next hearing.

9 MR. SNOWDEN. Mr. President.

10 THE PRESIDENT. Councilman Snowden.

11 MR. SNOWDEN. In the interest of having
12 some semblance of order in this matter --

13 THE PRESIDENT. You are excused.

14 (MAYOR LEFT)

15 MR. SNOWDEN. I would ask that the Chair
16 make a ruling, that being on the question if the two counsel-
17 ors are going to be held to germane topics that are under
18 discussion, that we have some understanding that the Council
19 members asking questions be held to the same rule.

20 THE PRESIDENT. Yes.

21 MR. SALVATORE. Point of order, can't
22 we ask the Mayor any more questions?

23 THE PRESIDENT. He is excused because
24 Mr. Chaika doesn't want to start his cross-examination.

1 MR. PICCIRILLI. He has been excused.

2 MR. SALVATORE. I have questions.

3 THE PRESIDENT. Ask him tomorrow night.

4 MR. MOISE. We won't see him no more.

5 I ask the attorney the same question --

6 MR. PICCIRILLI. The Mayor will be here
7 tomorrow evening for cross-examination, obviously.

8 MR. ADDISON. Point of order, if I might
9 be in order, Mr. President. Due to Mr. Chaika's not want-
10 ing to cross-examine the Mayor, I would at this time move
11 recess until tomorrow evening.

12 THE PRESIDENT. 7:30.

13 MR. VIRGILIO. Mr. Chairman, does the
14 public have the right to ask any questions?

15 THE PRESIDENT. No.

16 MR. VIRGILIO. I heard reference made to
17 the public tonight, the public cannot ask any questions?

18 THE PRESIDENT. No.

19 MR. MOISE. Can I ask a question before
20 11:00?

21 THE PRESIDENT. The public hearing will
22 be held tomorrow night at 7:30.

23 MR. VIRGILIO. I would have like to have
24 taken this opportunity while he was under oath to ask him

1 if he ever agreed with the union not to lay off or cut
2 back.

3 MR. PETROSINELLI. I second the motion.

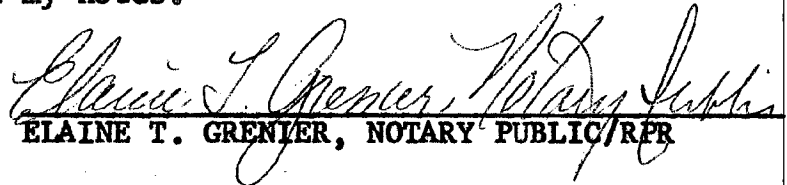
4 THE PRESIDENT. Hearing recessed to
5 tomorrow night at 7:30 P.M.

6 (HEARING IN RECESS AT 11:00 P.M.)

7 * * * * *

8
9 C E R T I F I C A T E

10 I, Elaine T. Grenier, hereby certify that the above-
11 entitled hearing was taken down by me and is a true and
12 accurate copy of my notes.

13 
14 ELAINE T. GRENIER, NOTARY PUBLIC/RFR