

MIDDLESEX, ss. COMMONWEALTH OF MASSACHUSETTS  
Superior Court Dept  
CA No. 2005-2665

\* \* \* \* \*

JOHN AUFIERO, NEIL F. COLLINS, ROBYN L DEFRANZO,  
DANIEL HYDE, PATRICK J. IRVING, THOMAS A. LEYNE,  
JOHN MAHONEY, JOSEPH E. MCCAIN, WILLIAM MCCARTHY,  
TIMOTHY MITSAKIS, LOUIS M. REMIGIO, SUSAN J. DESOUSA,  
individually AND NEXT FRIEND OF CAMERON A. DESOUSA,  
JOHN DOE & JANE DOE,  
Plaintiffs,

VS.

CITY OF SOMERVILLE, JOSEPH CURTATONE, as Somerville  
Mayor, DONALD CALIGURI, as Former Somerville Police  
Chief, GEORGE MCLEAN, as Former Somerville Police  
Chief, ROBERT TRAHAN, individually and as former Head  
of Department of Public Works, ROBERT BRADLEY as  
Somerville Police Chief, COMMONWEALTH OF  
MASSACHUSETTS, MITT ROMNEY, JOAN LANGSAM, as Former  
City Solicitor, PAUL ZIRPOLO, s DPW Project Manager,  
DOROTHY KELLY GAY, as Former Somerville Mayor, ROBERT  
J. PREZIOSO, SIMPSON GUMPERTZ & HEGER, INC.,  
ENVIROTECH, VITHAL DESHPANDE, as Environmental  
Protection Engineer, and ANGELO R. BUONOPANE,  
Defendants,

\* \* \* \* \*

DAY TWO OF THE DEPOSITION OF VITHAL DESHPANDE,  
a witness called on behalf of the Plaintiffs,  
provisions of Rule 30 of the Massachusetts Rules of

Civil Procedure, before Carmen Branson, Court  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the offices of  
D'Angelo & Hashem, 6 Beacon Street, Boston, MA 02210  
on Thursday, February 1, 2007, commencing at  
10:25 a.m.

APPEARANCES:

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1	I N D E X				
2					
3	Deposition of:	Direct	Cross	Redirect	Recross
4	Vithal Deshpande	4			
5	(By Atty Stephens)		166		
6	(By Atty Goldstein)		169		
7	(By Atty Buckley)	172			

8  
9

10	EXHIBITS			
11	No.	Description		Page
12	66A	10-21-04 document		10
13	72A	Letter, 11-2-05		52
14	98A	Letter, 1-18-07		140
15	98B	Mold Inspection Report		144
16	107A	Tier Classification		154
17	118	Report		157

18  
19  
20  
21  
22  
23

1 P R O C E E D I N G S

2 MR. D'ANGELO: Continuation of the  
3 deposition. That is Tuesday December 12 of Vithal  
4 Deshpande.

5 VITHAL DESHPANDE, Sworn

6 DIRECT EXAMINATION

7 Q. (By Attorney D'Angelo) Where we last left  
8 off before you took your trip to India. We were  
9 talking about Exhibit 66.

10 A. Okay.

11 Q. In here this particular letter there were  
12 filters stuck up in the a ventilation system?

13 A. That's correct.

14 Q. You had addressed those and it had been  
15 removed according to this letter?

16 A. Yes.

17 Q. And we discussed at that time, I asked you  
18 if you were aware on that date back then that there  
19 were still filters stuck in the ventilation system at  
20 that location. What was your response, do you  
21 recall?

22 A. I remember very well. There were some -- I  
23 myself found some filters, after -- just before the

1 deposition when I was visiting with you people  
2 regarding the testing, the mold testing.

3 Q. When you accompanied us on the November 8  
4 testing, you saw them stuffed up there?

5 A. That's right.

6 Q. Between the time of that testing that we had  
7 done and the date of your last deposition, they were  
8 still in there?

9 A. That, I don't know.

10 Q. Do you recall them being removed since that  
11 time?

12 A. No. I don't know. I know one thing that I  
13 informed -- buildings and grounds was responsible for  
14 this work and they are the people who maintain the  
15 building.

16 Q. Who's in charge of buildings and grounds?

17 A. Frank Santangelo.

18 Q. And so Frank Santangelo and you had a  
19 conversation regarding the removal of the remaining  
20 filters?

21 A. Yes. When we had that testing on  
22 November 8, after that I mentioned to him or his  
23 deputy we had to remove the filters.

1 Q. And did you follow up and see if they were?

2 A. I didn't follow up.

3 Q. Is that one of the jobs you are responsible  
4 for is following up?

5 A. I am not responsible for that.

6 Q. I am just trying to get an understanding of  
7 what you were responsible for. One of the things we  
8 discussed in our last deposition, you sign off on a  
9 lot of documents, but you don't really check into

10 understanding what the documents are. In other words  
11 the underground storage tanks, there was reports and  
12 so forth that you fill out for the Commonwealth and  
13 you get those reports periodically and you just sort  
14 of sign off on them. That's what I am talking about.  
15 You sign off on things quite often without  
16 understanding or investigating or knowing?

17 MR. BUCKLEY: Objection.

18 A. I disagree with your interpretation,  
19 number 1. But the thing is -- the way things happen  
20 my title is environmental coordinator, and I tend to  
21 coordinate several things which may connect with  
22 environmental issues or environmental conditions  
23 within city. As far as this letter or any such

1 letter is concerned, basically I confirm with several  
2 folks who are responsible for that work and I make  
3 sure they are signing them off in the sense they are  
4 confirming with me that the work is done and based on  
5 the report that I got, I then all will be done by  
6 e-mail or otherwise, I just make sure that this work  
7 is done. So that is my response to this particular  
8 letter or similar letters.

9 Q. So you are more or less the coordinator, as  
10 you say, the coordinator. You don't do the actual  
11 work yourself?

12 A. I am environmental coordinator and anything  
13 related with environmental, I coordinate.

14 Q. Do you have a staff that works for you?

15 A. I don't have staff.

16 Q. You are just one person?

17 A. That's correct.

18 Q. Do you have any authority over any other  
19 departments?

20 A. No.

21 Q. Like, for instance, in this letter here you  
22 wrote to the Division of Occupational Safety Nancy  
23 Comeau, number 66, in this letter dated March 9,

1 2005, it says here, "We have removed all the  
2 filtration materials that were stuffed in the air  
3 vents restricting the flow." You wrote that,  
4 correct?

5 That's the number 1 on the hit parade  
6 there.

7 A. I know. I wanted to read the upper part.  
8 When reading, I would appreciate if you can read the  
9 first line. Which says, someone in the buildings and  
10 grounds department to come up to the facility and it  
11 is their work that I am mentioning.

12 And when I talk anything on the city it  
13 includes myself as part of the city.

14 Q. But you didn't check to see if the filters  
15 were removed?

16 A. Whatever I checked, the filters were  
17 removed.

18 Q. But you are communicating to somebody who is  
19 relying on you to tell you that these filters were  
20 removed?

21 A. I am communicating on the information I am  
22 getting, yes.

23 Q. Who told you that the filters were removed?

1           A. Frank Santangelo.

2           Q. Did he send you a report saying this is all  
3 taken care of, a memo to some affect?

4           A. I don't recall if there was a report sent.  
5 There might be an e-mail, and if there was an e-mail.  
6 I might have given you a copy of it. Otherwise it  
7 might be verbal.

8           Q. So this is Exhibit Number 64.

9           A. That's correct.

10          Q. So he told you in that memo that this is all  
11 taken care of?

12          A. That's correct. And he's the responsible  
13 person for buildings and grounds.

14          Q. So in your responsibility in terms of  
15 environmental person, you don't check to see if other  
16 people are doing their jobs?

17          A. I am not responsible for their work. I am  
18 not their supervisor, so I don't check.

19          Q. So you are over there on November 8 with us  
20 doing the investigation testing of that building, is  
21 that correct?

22          A. That's correct.

23          Q. And you saw the filters in the various

1 vents?

2 A. That's correct.

3 Q. And how did you respond to that at that time  
4 with Mr. Santangelo?

5 A. I informed them as well as I think I  
6 informed him basically. That there are some filters  
7 and I don't how they come and he was also surprised  
8 to know, so there are two possibility if at all some  
9 contractor again put something, it might have  
10 happened. That's what our discussion was which we  
11 don't know because we remove everything in fact Nancy  
12 Comeau when she was visiting she herself and myself,  
13 we also removed some of the filters by our own hands.

14 (October 21, 2004, document marked  
15 Exhibit No. 66A for identification.)

16 Q. Before we get to that document. Do you  
17 periodically go around as environmental coordinator  
18 to city buildings, schools, I don't know if there is  
19 a hospital that you oversee in the city. I know  
20 there is an -- is that a city owned hospital?

21 MR. BUCKLEY: No.

22 Q. So it wouldn't be that. Fire stations,  
23 police stations, any other city buildings, city hall

1 and periodically go through those buildings to check  
2 them out?

3 A. No.

4 Q. Now when you have a conversation for  
5 instance like you did with Santangelo and you find  
6 out he didn't do the job, do you follow-up with  
7 somebody else at city level to make sure that he gets  
8 that job done.

9 MR. BUCKLEY: Objection.

10 A. No.

11 Q. How do you know the job gets down if it  
12 didn't get done the first time?

13 A. He's a responsible person and as I said the  
14 last time most of the filters whatever we saw were  
15 removed? I don't know why there was a filter  
16 afterwards. So he is the person responsible and I  
17 told him.

18 Q. Santangelo, who does he work for?

19 A. Department commissioner.

20 Q. Who is he?

21 A. Stan Koty.

22 Q. So he works for Stan Koty. Would you go to  
23 Stan Koty and say Stan, this job didn't get down.

1 Make sure he gets it done this time?

2 A. No.

3 Q. Why not?

4 A. The person who's responsible, who's head of  
5 the department, if I am telling him, it should be  
6 done. He told me it would be taken care of.

7 Q. You don't have any authority over anybody  
8 else in the city?

9 A. No.

10 Q. Who do you report to?

11 A. My position is a little complicated in a  
12 sense I report to the mayor.

13 Q. So the mayor is your boss. You don't report  
14 to anybody else in the city?

15 A. Not that I know of. Other than the people.

16 Q. So your job is to report the mayor whatever  
17 your job is that you are doing. Do you fill out  
18 weekly progress reports to him?

19 A. We have monthly meetings. So I don't have  
20 to fill out the progress reports, particularly from  
21 those meetings that all those discussions come.

22 Q. So during one of your monthly progress  
23 report meetings or staff meetings, does a subject

1 like this come up.

2 A. No.

3 Q. You don't discuss it with the mayor at all?

4 A. If at all there is a discussion about public  
5 safety building, it is a department subject. It is  
6 not just me with whom he has to discuss.

7 Q. That's not the question I ask. I am asking  
8 you when something like this occurs where you sent a  
9 letter to a state agency whose report says you have  
10 to fix these things, and it doesn't get done, and you  
11 have a staff meeting with the mayor, you are telling  
12 me this subject would never come up.

13 MR. BUCKLEY: Why don't you just ask  
14 him if he ever discussed that with the mayor.

15 MR. D'ANGELO: That's not my question.

16 A. I don't recall.

17 Q. You don't recall having a conversation with  
18 the mayor about that?

19 MR. BUCKLEY: At that meeting, you are  
20 saying. That's the point.

21 Q. At that meeting, I am saying any staff  
22 meetings, this subject didn't come up?

23 A. Which subject.

1 Q. The subject of the filters not being  
2 replaced and you being told that they were.

3 A. I don't recall.

4 MR. BUCKLEY: Did you ever discuss it  
5 with the mayor? Do you recall that?

6 A. What do you want me to discuss mayor? Public  
7 safety building or filters.

8 MR. D'ANGELO: We will get to the  
9 public safety building in a minute.

10 A. This I don't recall.

11 Q. So you don't recall having any conversation  
12 about that --

13 MR. BUCKLEY: No. No. That's not your  
14 question. Now he is asking a different question. Go  
15 with that question.

16 Q. It's the same question. You don't remember  
17 having any conversations with the mayor at one of  
18 these staff meetings regarding the removal that  
19 didn't get removed of any of these filters?

20 A. I don't recall that.

21 MR. BUCKLEY: Can I just clarify for  
22 the record.

23 MR. D'ANGELO: No.

1                   MR. BUCKLEY: I am going to do it  
2 anyway.

3                   You said you didn't have a conversation  
4 with him at that staff meeting. Did you ever have  
5 any conversation with him ever.

6                   THE WITNESS: But he is not asking that  
7 question.

8                   MR. BUCKLEY: I know. That's what I  
9 want to get on the record. Okay. Thank you.

10                  MR. D'ANGELO: Can we go off the  
11 record.

12                  (A discussion was held off the record.)

13                  Q. Again going back to this Exhibit 66, the  
14 letter dated March 9. We have addressed many roof  
15 leaks where the moisture and walls in various  
16 locations throughout the building. Do you know what  
17 those were? This is another memo from somebody that  
18 says they were taken care of.

19                  A. Does that memo mention. I don't have that  
20 paper with me.

21                  Q. You are basically, you are paraphrasing what  
22 he says here in this memo. So you are writing --

23                  A. That's correct.

1 Q. So you are writing to the state telling them  
2 basically that you addressed it. Do you know how you  
3 addressed the problem?

4 A. Some of the waterproofing requirements were  
5 done. Other than that I don't recall right away what  
6 exactly was done. It might be Frank Santangelo who  
7 might be able to answer some more technically  
8 correct.

9 Q. But you are the one writing the letter to  
10 the state?

11 A. On behalf of the city.

12 Q. Saying these problems have been addressed?

13 A. That's correct.

14 Q. Do you know how they were addressed?

15 A. I don't know. But that's why I wrote in the  
16 letter if you read the letter, by buildings and  
17 grounds and that is what it reflects.

18 Q. Do you think?

19 A. I clearly mention that buildings and grounds  
20 and this is not me. I am responding on behalf of the  
21 city. That is the big difference of what you are  
22 asking and what I am saying.

23 Q. If someone tells you something that proves

1 false, do you have any responsibility to report that.  
2 In other words go back to the state and say this  
3 wasn't true. This wasn't done the way it was  
4 supposed to.

5 MR. BUCKLEY: Objection. Don't answer  
6 that question.

7 MR. D'ANGELO: Excuse me?

8 MR. BUCKLEY: That's it. Go on, next  
9 question.

10 MR. D'ANGELO: Excuse me. You are  
11 telling him not to answer the question.

12 MR. BUCKLEY: You are asking him what  
13 his legal obligation is.

14 MR. D'ANGELO: You have no right to  
15 tell him not to answer the question.

16 MR. BUCKLEY: He is not answering a  
17 question about what his legal obligation is. Go  
18 ahead, next question.

19 MR. D'ANGELO: Let me just get this on  
20 the record. You are telling him, directing him, not  
21 to answer my questions.

22 MR. BUCKLEY: About what his legal  
23 obligation is.

1                   MR. D'ANGELO: I am asking you a  
2 question that you are required to answer here.

3                   MR. BUCKLEY: I don't think so.

4                   MR. D'ANGELO: The objections you  
5 reserved until time of trial. If you want to go get  
6 a protective order, we will suspend the deposition.  
7 You can get a protective order and you can explain to  
8 the judge that you are directing the defendant, this  
9 witness not to answer questions.

10                  MR. BUCKLEY: That wouldn't be me who  
11 would have to go to court.

12                  MR. D'ANGELO: Excuse me.

13                  MR. BUCKLEY: We are not going to  
14 court. We are not answering the question. You have  
15 to take action.

16                  MR. D'ANGELO: You want me to suspend  
17 the deposition because you are directing him not to  
18 answer the question.

19                  MR. BUCKLEY: What's the question  
20 again?

21                  MR. D'ANGELO: Do you want to repeat  
22 back the question?

23                  (The reporter read back the last question:

1           "Q. If someone tells you something that  
2 proves false, do you have any responsibility to  
3 report that. In other words go back to the state and  
4 say this wasn't true. This wasn't done the way it  
5 was supposed to."

6           MR. BUCKLEY: Yes. Objection. And we  
7 are not answering that question.

8           MR. D'ANGELO: Okay.

9           MS. STEPHENS: Can I make a suggestion.

10          MR. BUCKLEY: Yes.

11          MS. STEPHENS: Can we go on, and.

12          MR. D'ANGELO: Yes. We will go on.

13                   (A discussion was held off the record.)

14          Q. The question here if someone tells you  
15 something that proves false, would you report it?

16          MR. BUCKLEY: Objection. Same thing.  
17 Don't answer that question.

18                   Did he or didn't he. What did he do.  
19 This is just --

20          Q. Going back to that question here again. It  
21 says here that we have addressed many roof leaks that  
22 were causing dampness or moisture. Do you know  
23 anything at all about what was done to address those

1 roof looks. In other words was a contractor hired  
2 that you know about. Did you see any invoices for  
3 any contractors that were hired to fix the roof  
4 leaks?

5 A. I wrote that buildings and grounds and  
6 suggest will back up this thing. So I don't know  
7 specifics.

8 Q. Well the question is did you see any  
9 invoices?

10 A. I don't know.

11 Q. You don't know if you saw any or you didn't  
12 see any?

13 A. I didn't see anything. Because I don't need  
14 to. This was done by buildings and grounds.

15 Q. And the next question on here is regarding  
16 item number 3. It says we have implemented a  
17 vigorous regiment of cleaning and vacuuming around  
18 the building in spots where we were getting  
19 complaints. Do you know specifically what that  
20 vigorous regiment of vacuuming and cleaning is and  
21 who did it?

22 A. The custodian.

23 Q. Do you know who the custodian was or is?

1           A. I don't recall his name. I can show you if  
2 I see him.

3           Q. Did you ever see him doing this vigorous  
4 regiment of cleaning and vacuuming?

5           A. All the time. And I asked many cops and  
6 everybody said like that.

7           Q. And how often was this vigorous cleaning  
8 done that you witnessed?

9           A. Always.

10          Q. What does that mean, always?

11          A. Whenever I was there, can I make one thing  
12 clear on the record.

13          Q. If you want to add something, go ahead.

14          A. This question is reflecting as if public  
15 safety building is my job responsibility. It is not.  
16 So I am supposed to be there all the time. So what  
17 you are asking, I will request you to confirm that  
18 you are asking while keeping in mind what my  
19 responsibilities are or aren't. I am not supposed to  
20 check what custodians are doing. I am not custodian  
21 supervisor. I am not supposed to check what  
22 buildings and grounds are doing. I am not their  
23 supervisor. They are in different departments as in

1 any private corporation. Everybody is doing their  
2 job. I was just responsible what was asked and with  
3 the reference of the buildings and grounds.

4 Q. Well that begs a question then if you are  
5 not responsible, why are you then writing this letter  
6 to the state telling them these things are getting  
7 done?

8 A. Because I am the coordinator and I was  
9 coordinating when the state came there. It was more  
10 interpretation that they are coming for air quality  
11 testing, so naturally the response was okay we need  
12 to have somebody who understands environmental terms.  
13 So I was asked to be there. I was there. And I  
14 helped what was required, and then I took the notes  
15 and I make sure that if the things are getting  
16 coordinated by the city and that will address the  
17 issues.

18 Q. Number 4 here it says that you have given  
19 repair orders to Honeywell Corp. to do some  
20 restructuring of the ventilation systems? Did you  
21 ever see any of those repair orders?

22 A. No.

23 Q. So how would you know they were given to

1 Honeywell?

2 A. I was told. And I can show you those  
3 orders, the repair orders.

4 Q. How do you know that this stuff is getting  
5 done so you can report it to the state?

6 A. I mentioned earlier, I have to depend on the  
7 department heads or those specific departments heads  
8 who are responsible and go with their words.

9 Q. So when you are having meetings, you are  
10 having meetings with these folks that are department  
11 heads?

12 A. That's right.

13 Q. How often do you meet with them?

14 A. For what?

15 Q. Is there regularly scheduled meetings to  
16 discuss issues of environmental coordination for the  
17 City of Somerville for anything?

18 A. It is as required.

19 Q. So there is not a specific time that you  
20 attend a staff meeting like you do with the mayor  
21 once a month?

22 A. No, it is not.

23 Q. When you get these staff meetings with the

1 mayor, are there other members present besides  
2 yourself that are department heads?

3 A. Depends on the issues. Sometimes, sometimes  
4 may not be. Like mayor, chief of staff, may be  
5 there. Usually she's always there. Other than that,  
6 I don't recall anybody.

7 Q. So the mayor has these meetings and  
8 sometimes there is other people there and sometimes  
9 it is just you and him?

10 A. Chief of staff.

11 Q. Chief of staff is always at the meeting?

12 A. Yes.

13 Q. Who is the chief of staff?

14 A. Janis. Delory, D-E-L-O-R-Y.

15 Q. What is the responsibility of the chief of  
16 staff, if you know?

17 A. I don't know. I am not responsible for  
18 that.

19 Q. I am just asking you if you know. Does the  
20 chief of staff participate in these meetings with you  
21 and the mayor?

22 A. Yes.

23 Q. Make recommendations?

1           A. My staff meeting again, I am sorry to  
2 repeat. This is nothing to do with public safety  
3 building. My responsibility is recycling hazardous  
4 waste, public education, ongoing grant projects. So  
5 most of the other time there are a lot of other  
6 issues that are discussed that I am working day to  
7 day. Public safety is not my day to day work. It is  
8 just I addressed it on the behalf of city.

9           Q. Have you had a chance in the recent couple  
10 of months or so before when you were notified to have  
11 your deposition review this document which is 66A  
12 which is October 21, 2004 document.

13          A. I reviewed it but to be more correct I  
14 browsed it so what exactly your question I may be  
15 able to answer based on that.

16          Q. What role, if any, have you had in reviewing  
17 this document and giving your responsibilities did  
18 you have anything to do with implementing anything  
19 that was in here that needed to be done?

20          A. As far as my technical responsibilities are  
21 concerned, I reviewed indoor quality findings which  
22 is carbon dioxide, carbon monoxide, temperature and  
23 humidity, VOC, ventilation, housekeeping was not

1 realistic. Again, it was just mentioned.  
2 Particulates, these are other issues where I just  
3 checked what exactly the situation is. If we are  
4 going, if there is any major issue in a significant  
5 finding or not.

6                   And I found that there are none of the  
7 issues that I reviewed. In a significant finding  
8 that shows that the data is beyond any specific  
9 limit.

10           Q. In this report if we go on to page 14 of 32.  
11 It has recommendations and correction actions needed  
12 starting with item number 1. Insure structural  
13 integrity of the building. Is that something you  
14 would be responsible for?

15           A. No.

16           Q. Do you know who would be?

17           A. Buildings and grounds.

18           Q. And that would be what person.

19           A. Frank Santangelo.

20           Q. You have no responsibility for oversight of  
21 making sure that gets done?

22           A. No.

23           Q. Item number 2. Prevent water from entering

1 building through brick walls. Is that something you  
2 are responsible for doing?

3 A. No.

4 Q. Do you know who was?

5 A. Buildings and grounds. You can always say  
6 buildings and grounds and DPW. I am sorry. I just  
7 want to clarify.

8 Q. I am going to go through each one of these  
9 items. In each one of these items, I am going to ask  
10 you the same question. Whether or not you are the  
11 person who oversees or has any responsibility for  
12 that particular item.

13 A. Yes.

14 Q. If you have any knowledge of that either.

15 Again going back to item number 2. Your  
16 testimony is Frank Santangelo from buildings and  
17 grounds is responsible for that item number 2?

18 A. Right.

19 Q. And you don't know anything more about that?

20 A. No.

21 Q. Replace and/or temporary repair the roof  
22 material until the roof can be replaced to prevent  
23 water from entering the facility through the roof.

1 Is that something that you know anything about or  
2 have any responsibility for?

3 A. I didn't have any responsibility for.

4 Q. That was one of the items that was listed in  
5 this report that you sent to the state?

6 A. That letter contains at the beginning when  
7 state forward sentence that buildings and grounds  
8 have to -- so please refer that to your notes when  
9 you are talking.

10 Q. So in your letter you are basically telling  
11 them in your letter as of the date of this letter  
12 which is March 9, 2005, that it has been taken care  
13 of by buildings and grounds?

14 A. By buildings and grounds.

15 Q. And it had to be done by November 30, 2004?

16 A. Yes.

17 Q. Number 4. Prevent water from entering into  
18 the building through the windows and doorway sliders.  
19 Is that something that you are responsible for?

20 A. No.

21 Q. Any oversight on your part?

22 A. No.

23 Q. Who's responsible for that once again?

1 A. Buildings and grounds.

2 Q. And specifically that would be Frank  
3 Santangelo?

4 A. He is the department head.

5 Q. Number 5. Once repairs are made and water  
6 infiltration to the building is eliminated, replace  
7 any water damaged materials. Is that something you  
8 would oversee?

9 A. No.

10 Q. Is that something that you have any  
11 knowledge about being completed?

12 A. I don't recall. But at the same time, I  
13 would like to add one more line. That there are  
14 several things which we had ongoing to address this  
15 issue. But I don't know as of now there are still  
16 problems or there are some new problems.

17 Q. I am not sure I understand your answer to  
18 the question.

19 Are you saying that either you know  
20 that this stuff was done or you don't have any  
21 oversight over it. What are you trying to tell me?

22 A. I don't have oversight on that. To the best  
23 of my knowledge, several issues related with water

1 damaged materials were continuously addressed  
2 although I don't oversee that. And I don't know as  
3 of now there are some persisting problems which are  
4 new or old.

5 Q. Item number 6. Insure that the ventilation  
6 from the basement area, the closed area fire  
7 department, does not circulate to other areas of the  
8 building. And this was supposed to be completed by  
9 November 30, 2004. Is that something that you are  
10 responsible for?

11 A. No.

12 Q. Who's responsible for that?

13 A. Buildings and grounds.

14 Q. Do you know if it was taken care of?

15 A. I don't know. I don't recall.

16 Q. Well when we were out there in December of  
17 2005, okay, there was air that was being drawn up  
18 into one of the duct works. You were present at the  
19 time?

20 MR. BUCKLEY: Objection.

21 Q. Do you recall that?

22 A. I don't recall that if it is the same thing  
23 or different.

1 Q. Did you see air being drawn up at that date  
2 when we were there. That air being sucked up?

3 A. Yes.

4 Q. Number seven and that was in December of  
5 2005?

6 A. I don't recall which day when you were  
7 there.

8 Q. Number 7. Remove all filtration media from  
9 supplies, exhausts throughout the building. Was that  
10 something that you were responsible for?

11 A. No.

12 Q. But that is one of the items that was listed  
13 on number 1 here on Exhibit 66?

14 A. Yes.

15 Q. And you told the state that it had been  
16 completed?

17 A. On buildings and grounds.

18 Q. According to what buildings and grounds had  
19 told you?

20 A. That letter is a communication from the city  
21 to the state. I am just communicator.

22 Q. And this letter was dated on March 9, 2005,  
23 communicating it was taken care of?

1 A. That's correct.

2 Q. You were in the building on December, 2005,  
3 where those filters were observed, correct?

4 A. That's correct.

5 Q. And then you were again in the building  
6 November 8, 2006, again for another investigation of  
7 the building. And there were more filters in the  
8 vents, correct?

9 A. Hold on, one second. I don't recall if we  
10 observed any filters, there or not, either way. In  
11 December, 2005. I definitely recall observing and  
12 discussing that issue during November, 2006, meeting.  
13 So don't mention about 2005. I am changing my answer  
14 for that.

15 Q. Do you know if anybody was in there working  
16 on the building after this report was completed in  
17 2004 putting filters into the air ventilation system?

18 A. I don't know.

19 Q. But you did observe them in 2006 still being  
20 in there?

21 A. November, 2006, some filters I observed.

22 Q. And that was the responsibility of Frank  
23 Santangelo to remove those?

1 A. That's correct.

2 Q. And Frank Santangelo reports to who?

3 A. DPW commissioner Stan Koty.

4 Q. Number 8 replace carpeting where it has been  
5 water damaged and where it presents a trip hazard.  
6 Cleaning carpet that is highly soiled. Is this  
7 something that you are responsible for?

8 A. No.

9 Q. And that would again be?

10 A. Frank Santangelo. DPW, buildings and  
11 grounds.

12 Q. And do you know as of November 30, 2004,  
13 whether or not that was taken care of.

14 A. Before that letter.

15 Q. Yes.

16 A. That's what I was told.

17 Q. You were told, okay.

18 Number 9. Clean detail office and  
19 seal up wall openings to insure the exhaust from  
20 basement garage does not enter the office. Who would  
21 have been responsible for that?

22 A. It is DPW buildings and grounds,  
23 superintendent Frank Santangelo.

1 Q. And do you know if that was taken care of or  
2 not?

3 A. I don't know.

4 Q. Number 10. Restore all exhaust ventilation  
5 system to working order in the building. Increase  
6 ventilation in areas where insufficient or not  
7 working. Who would be responsible for that?

8 A. DPW, buildings and grounds, Frank Santangelo  
9 superintendent.

10 Q. And do you know if that was ever addressed.  
11 Or were you told it was taken care of?

12 A. I was told it was taken care of.

13 Q. Do you remember when you were told?

14 A. I don't remember.

15 Q. Number 11. Increase ventilation to provide  
16 the recommended minimum of six air changes per hour.  
17 Is that something that you are responsible for?

18 A. No. Excuse me, which one are you looking  
19 for.

20 Q. Number 11?

21 A. No. I am not responsible for that.

22 Q. And who would be upon responsible for that?

23 A. DPW, buildings and grounds superintendent

1 Frank Santangelo.

2 Q. And do you know if they ever reported to you  
3 it was taken care of?

4 A. They didn't have to report to me. They  
5 didn't report to me.

6 Q. Number 12. Temperature control within the  
7 building. Who's responsible for that?

8 A. DPW buildings and grounds. Superintendent  
9 is Frank Santangelo.

10 Q. And do you know if that was resolved?

11 A. I believe they took care of certain  
12 temperature changes, but I don't know if complaints  
13 are still there or not.

14 Q. Number 13. Keep chemical use to a minimum.  
15 Consider using green cleaners. And it also said  
16 obtain material safety data sheets for all cleaning  
17 products and review health effects. Is that  
18 something you were responsible for?

19 A. It is a vague thing. It is a little vague  
20 thing the way it is. It is not my job. So I cannot  
21 say I am responsible for. What they were basically  
22 chemicals are cleaners are supposed to be purchased,  
23 they get purchased again by buildings and grounds and

1 used by custodians. I know that they use many green  
2 chemicals, but I don't know which one right now.

3 Q. Did anybody ever approach you to get the  
4 material safety data sheets on these?

5 A. I wasn't told.

6 Q. Would you know where to get them.

7 A. Depending upon the type of chemicals if it  
8 is industry based chemicals, they come with the  
9 products. Otherwise if it is regular cleaner, we may  
10 not get any materials. Because it is as good as we  
11 buying any cleaners for our own house.

12 Q. The question is, if you had to get a  
13 material safety data sheet, do you know where you  
14 have to get one?

15 A. I don't know. But probably through the  
16 manufacturer.

17 Q. You don't know for certain?

18 A. I don't know for certain.

19 Q. So you have never maintained a material  
20 safety data sheet as your job as an environmental  
21 coordinator?

22 A. No, I didn't obtain a material safety data  
23 sheet.

1 Q. Number 14. Develop an indoor air quality  
2 management plan. Who's responsible for doing that?

3 A. Indoor air quality management plan. I can  
4 take responsibility myself.

5 Q. Did you ever develop one?

6 A. Basically there is no formal plan, but  
7 basically to make sure that HVAC, heating ventilation  
8 and air conditioning, is working, and if there is any  
9 specific complaint to address it.

10 Q. So you never prepared a formal indoor air  
11 quality management plan for 220 Washington Street?

12 A. No.

13 Q. Did you ever research any of the things that  
14 they suggested that you look at to help you put  
15 together an air management plan such as EPA tools?

16 A. Yes.

17 Q. Did you get copies of those printed up?

18 A. Some of them I might have. Some of them I  
19 don't.

20 Q. Is there a reason why you didn't put  
21 together a hard copy plan that they requested you to  
22 do here?

23 MR. BUCKLEY: Objection.

1 A. Can I answer.

2 MR. BUCKLEY: Yes.

3 A. Basically if you see there is no specific  
4 deadline.

5 Q. Because there was no specific timeframe to  
6 do it?

7 A. I assume it is a guideline rather than a  
8 requirement.

9 Q. Did anybody come to you like George McClean  
10 the chief of police who received this letter and say  
11 to you we need to get an indoor air quality  
12 management plan put into place for this building?

13 A. No.

14 Q. Did anybody else from the city share that  
15 with you?

16 A. Nobody. Neither city nor police nor police  
17 chief, nothing.

18 Q. Did you ever go to anybody like the Chief of  
19 Police McLean or any other city official including  
20 the mayor and say we need to put together an indoor  
21 air quality management plan for 220 Washington  
22 Street?

23 A. No.

1 Q. Why not?

2 A. Again there was no deadline. There is  
3 questions asked as far as deadline we try to address  
4 that right away.

5 Q. I mean you just got a 32 page report from  
6 the Division of Occupational Safety, Occupational  
7 Hygiene Program suggesting there was some issues with  
8 the air quality within the building. Wouldn't that  
9 be something of an important thing to do given the  
10 fact that there was --

11 A. At the same time this report also didn't  
12 prove that there was any issue which is above and  
13 beyond any limit within the area. This report  
14 doesn't tell that this is specific issue. These are  
15 specifically all guidelines because they couldn't  
16 prove anything. Not they wanted to prove or they  
17 didn't want to prove, but the test results if you  
18 want to cite any specific test results which you have  
19 and I would like to know but otherwise this is more  
20 like a guidance document from the state.

21 Q. So this is nothing -- this whole, let me  
22 just make sure I understand here. Your contention  
23 here is that this is nothing more than just a

1 guidance?

2 A. May I read something now.

3 Q. What page are you on?

4 A. Of, course, I will tell you. As I said  
5 indoor quality. Page is 4. Let us go.

6 Q. Whereabouts on page 4 do you want to go?

7 A. Carbon dioxide. Okay. Now if you see the  
8 carbon dioxide. Please turn the page. Turn the  
9 page. It says lies less than 800 PPM considered to  
10 be indicate adequate ventilation. 800 to 1000 PPM  
11 marginal ventilation. Over 1000 PPM considered to be  
12 inadequate outside air.

13 Findings. The level of carbon dioxide  
14 measured on a date for 486 to 700. So in other words  
15 being it is less than 800 PPM, it is adequate  
16 ventilation.

17 Carbon Monoxide. It is said that carbon  
18 monoxide levels on the day of testing ranged from 0  
19 to 1 parts per million. The OSHA permissible  
20 exposure limit for carbon monoxide 50 parts per  
21 million. So we are well below. It is not an issue.

22 Temperature and relative humidity. Research  
23 has indicated that the pursuit air quality is worse

1 when temperatures exceed 76 degrees Fahrenheit.

2 Findings. Temperature range was between 70  
3 and 76. Degrees 36 to 42 percent humidity. Which  
4 again is not an issue.

5 Volatile organic compounds. No significant  
6 levels of common organic compounds were found on the  
7 samples collected of the day of visit. I hope you  
8 read all the thing.

9 Ventilation. Ventilation can be accomplished  
10 by either natural or mechanical means and there are  
11 no findings.

12 So as far as I was concerned it was not a  
13 binding issue to create some plan and follow it up.  
14 And that's why they didn't ask also. Any other  
15 questions?

16 Q. Of course, we have lots of question.

17 A. No. No. On this one.

18 Q. Let me ask you. Were you present when they  
19 did the testing?

20 A. Yes.

21 Q. And how did they test for volatile organic  
22 compounds.

23 A. They had equipment.

1 Q. What kind of equipment is it?

2 A. I don't recall the names. You can ask them.  
3 That's my answer.

4 Q. Do you know where they did their testing and  
5 how often they did it and where. The locations in  
6 the building?

7 A. It is my understanding they came upon  
8 request or complaint from the police union or  
9 basically police. I don't know who exactly  
10 explained. And they did testing where they did it.

11 Q. Did you observe them doing the testing?

12 A. Part of that. I didn't stay there all the  
13 time. Because police was present to do the work with  
14 them all the time. I just introduced myself as a  
15 contact from the city. What help they wanted from  
16 us, I just offered it. And part of the time I just  
17 stayed there, and part of the of the time they were  
18 independent.

19 Q. Samples they took were air samples?

20 A. Yes.

21 Q. What did they use to collect the air  
22 samples?

23 A. Yes, they did air sampling.

1 Q. Do you know what they collected air samples  
2 in? Do you know what the procedure was for  
3 collecting the air samples. Did you observe them  
4 collect the air samples yourself?

5 A. I don't recall right now. That was in 2004.  
6 I don't recall.

7 Q. Do you know if they did testing for any  
8 mold.

9 A. The report didn't say. And I don't think  
10 they tested anything for mold.

11 Q. Do you know if they tested for semi volatile  
12 organic compounds?

13 A. I don't know. Whatever they tested, I'm  
14 sorry, but whatever they tested is reported here.  
15 That is their standard procedure they followed. That  
16 is my understanding. They tested everywhere there  
17 was a complaint. And that's the way they worked.

18 Q. And then they make a bunch of  
19 recommendations on the following page on Page 9. Do  
20 you know if anybody ever followed up in doing those  
21 recommendations.

22 A. Page 9.

23 Q. Next page over. Did anybody ever follow up

1 on doing those.

2 A. One second. Let me read it correctly. That  
3 is a standard table output. I just want to read --  
4 make sure that it is recommendation for this  
5 particular building, or this is an information they  
6 are providing. Without that I cannot comment on  
7 that. It says on Page 8, the last paragraph, it says  
8 in general, our office has found if a building meets  
9 these minimums, then indoor air quality problems are  
10 minimized. However, there are many buildings which  
11 may not meet these recommendations and where indoor  
12 air quality problems do not appear to exist. These  
13 recommendations are given for guidance only and are  
14 not necessarily required by building codes.

15 Q. So did you follow any of these  
16 recommendations at all on that page 9?

17 A. As a guidance, I followed.

18 Q. So what did you do as a guidance. What did  
19 you do?

20 A. We confirmed that if there is any problem  
21 and again using this guidance and their own report,  
22 whatever we found and as I said whatever is required  
23 upon, call buildings and grounds.

1 Q. If we went through this whole page by page,  
2 you go to the next page on page 10. It says here  
3 middle paragraph. It says, most exhaust throughout  
4 the facility whether bathroom or general returns were  
5 not functioning or were marginally functioning. So  
6 what did you do to fix those problems.

7 A. It was discussed with buildings and grounds  
8 and HVAC contractor which is Honeywell.

9 Q. Were you in any of those meetings?

10 A. Only with buildings and grounds.

11 Q. And what did you discuss with them during  
12 those meetings?

13 A. The same thing. Basically whatever the  
14 guidelines were there. It is part of the whole  
15 thing.

16 Q. And did you say we need to fix this problem  
17 or we are there to observe?

18 A. We need to fix the problem.

19 Q. And you told this to who?

20 A. 2004, Frank Santangelo.

21 Q. And it goes back to the housekeeping. Poor  
22 housekeeping practice and adversely affect indoor air  
23 quality. And it says down here that findings. It

1 says here the entire facility is maintained by a  
2 single full-time employee which everybody agrees is  
3 doing his best with his limited resources. It says  
4 that the rugs are extremely soiled, is that correct?

5 A. Yes.

6 Q. That there were carpets with water damage on  
7 it that needed to be replaced?

8 A. Yes.

9 Q. Do you know if those carpets were replaced?

10 A. I don't know.

11 Q. There were large soot stain visible in the  
12 wall outlet. Again, it could be a source of  
13 particulate. Did anybody do any further  
14 investigation of that?

15 A. Where is that.

16 Q. Third paragraph down last sentence. A large  
17 soot stain was visible at the wall outlet indicating  
18 that this could be a source of the particulate?

19 A. No. I don't recall any finding.

20 Q. In fact, that whole paragraph describes  
21 diesel particulate was entering the office from the  
22 garage. Did anybody do any further investigation to  
23 find out if that was true?

1           A. No. Not that I know of. I didn't do any  
2 investigation.

3           Q. And the fire department had installed a  
4 Plymovent tailpipe exhaust system that should  
5 decrease the amount of residual particulate entering  
6 the office. Were you familiar with the installation  
7 of that device?

8           A. Yes.

9           Q. Who was responsible for training and  
10 maintaining?

11          A. It was the fire department.

12          Q. Did you ever go in and follow up to see if  
13 they were doing what they were supposed to do with  
14 that device?

15          A. I am not required. I didn't do.

16          Q. It says here in the very last sentence.  
17 Preliminary studies indicate that UFPs ultra-fine  
18 particles may have adverse health effects ranging  
19 from respiratory to cardiac effects. Do you know  
20 anything about that?

21          A. Yes. But I understand that this is given as  
22 an information, not as a finding.

23          Q. Why would they put this in here, if they

1 weren't concerned about it.

2 MR. BUCKLEY: Objection.

3 A. Let us go from the beginning of the  
4 paragraph. Ultra-fine particles or UFPs are defined  
5 as airborne particles having a diameter of 0.1 micron  
6 or smaller. Cooking, smoking, diesel engines and  
7 many other combustion and chemical reactions produce  
8 significant levels of ultra-fine particles.

9 Second paragraph. Until recently, few studies  
10 have been done on the potentially adverse health  
11 effects of ultra-fines. Preliminary studies indicate  
12 UFPs may have adverse health effects ranging from  
13 respiratory to cardiac effects.

14 I am not reading the whole thing. I  
15 just wanted to make sure that you understand that  
16 there are no studies done even on the federal level  
17 on ultra-fine particles. They are just giving the  
18 information.

19 Q. Let me stop you there. We are not getting  
20 into the discussion about ultrafine particles on  
21 their own. But there are studies on benzine and  
22 diesel dust and diesel fumes, correct?

23 A. We are talking about the report.

1 Q. This report talks about diesel?

2 A. It talks about ultrafine particles.

3 Q. Well the source of those particles is  
4 diesel?

5 A. Cooking also and also smoking also.

6 Q. Do you know if there is any cooking going on  
7 in this building.

8 A. I am not residing in that building so.

9 Q. Do you know if they smoke in the building?

10 A. I don't know. They are not supposed to,  
11 that much I can tell you. It is a public building.

12 Q. Is smoking allowed in this building?

13 A. It is a public building.

14 Q. So it is not allowed in the building?

15 A. It is not allowed. By the way, go the  
16 findings. Let us come to the topic again. DS model  
17 number 8525 P-Trak instrument was used to check  
18 ultra-fine particles. The results indicate that  
19 there does not appear to be any major source of  
20 ultra-fines within the building and that the  
21 ventilation system filtration is reducing levels of  
22 ultra-fines in the outdoor air by at least 50  
23 percent. Do you think they are still they are

1 concerned here.

2 Q. Why would they put that in there if they  
3 weren't concerned. They were picking up ultra-fines  
4 in the building.

5 A. You can ask them.

6 Q. I am just saying nobody seemed to follow up  
7 with all the recommendations that were in this.

8 A. I disagree with you. Because the  
9 recommendations were followed. There is a difference  
10 between recommendations and guidelines and the whole  
11 report.

12 Q. Well we just went through several items in  
13 here which I think just one which is the indoor air  
14 quality, number 14. You accepted responsibility for?

15 A. Yes.

16 Q. All the rest of them were somebody else's  
17 responsibility?

18 A. Yes.

19 Q. So the question is if you are responsible  
20 for indoor air quality management in that building,  
21 why wouldn't you oversee the ventilation system and  
22 make sure it was properly operating?

23 A. That I confirmed through the buildings and

1 grounds department. You have to go through the  
2 organization chart, I believe, to understand how the  
3 functioning works. If you want I can explain to you.

4 Q. On this I have looked through discovery here  
5 and on the last page where they have corrective  
6 action response form. Was this ever filled out by  
7 anyone.

8 A. If it is there --

9 Q. Do you know who would have filled it out?

10 A. Not in this part. I don't know. Whatever  
11 it was required. Immediate actions. Check it out if  
12 I had given it to you. Whatever I have I gave it to  
13 you.

14 Q. I guess we are looking at this here which is  
15 Exhibit Number 72.

16 MR. BUCKLEY: Can I see that. Okay I  
17 know what it is.

18 MS. STEPHENS: Hold on second. I don't  
19 know if we have marked these now. Public safety  
20 building response action 10-05 at the top.

21 MR. D'ANGELO: Somebody wrote 10-12-05.  
22 I am not sure if that's --

23 A. So this is done as a part of this one. Yes,

1 you are right.

2 Q. Do you know who filled that out?

3 A. I filled it out.

4 Q. Is there a signature page missing somewhere?

5 MS. STEPHENS: I have a letter attached  
6 to me. Do you want it taken off.

7 A. I'm sorry. I don't recall how I gave it to  
8 her, to Nancy Comeau. I might have hand delivered  
9 it. I don't recall to be honest. I can tell you  
10 this was something I did it.

11 MR. BUCKLEY: This looks like  
12 something. I don't know why this is attached on this  
13 particular document.

14 MS. STEPHENS: Just make a note of that  
15 on the record that the letter dated November 2, 2005,  
16 to Bradley.

17 MR. BUCKLEY: Why don't we take it off  
18 and call it 72A.

19 MR. WOLMAN: I am amenable to that.

20 MR. BUCKLEY: Usually when we are doing  
21 the A it is related. I think this just sticks in.

22 MR. WOLMAN: Sorry about that. 72A.

23 (Letter of November 2, 2005, marked

1 Exhibit No. 72A for identification.)

2 Q. Getting back to the responses to that. The  
3 reason why I was a little confused about it, there  
4 was no signature so I don't know who was the author  
5 of this document?

6 A. I did it. I did recall it. I can recall  
7 it. It is mine. The only thing I don't recall if I  
8 just gave it to Chief Bradley and then he gave it or  
9 how it went. I mean I really don't know.

10 Q. So this letter that we just discussed a  
11 couple of minutes ago dated November 2, 2005,  
12 Exhibit 72A now, addresses the October 21, 2005,  
13 letter from the inspector. And we are now assuming  
14 that this letter had Exhibit Number 72 attached to it  
15 and sent to --

16 A. It seems like that, yes.

17 Q. Chief Bradley. Do you know if he sent this  
18 and forwarded it to?

19 A. I don't recall. I can't recall that this is  
20 something I did. That much I can tell you. But I  
21 don't recall the means we used to send it to them.

22 Q. So where did you get these responses from.  
23 What particular individual gave you the answers to

1 these?

2 A. Most of the responses --

3 Q. Let's go down one by one. Item number 1.

4 Do you have it in front of you.

5 A. That's okay. You can read it.

6 Q. Just take a quick look on item number 1.

7 MS. GOLDSTEIN: Can we go off the  
8 record for a minute.

9 (A discussion was held off the record.)

10 Q. Before you put it away. Let me ask you a  
11 couple of questions real quick here. Just take a  
12 quick look at this letter.

13 And I am directing you not that you are  
14 cced on it or whether or not you received a copy of  
15 it or not, I am wondering if you have any knowledge  
16 of any of those dates regarding any other reports?

17 A. I have no idea what this letter is talking  
18 about. I am sorry.

19 Q. So you have never seen it before?

20 A. I don't know the person.

21 Q. You don't know Paul Halfmann from the  
22 sanitation program?

23 A. No, there are two different names.

1 Q. That is who wrote --

2 A. I don't know. I don't know even Brian at  
3 GOD inspector. I don't know anything about this.

4 Q. So there may be a letter out there dated  
5 October 21, 2005?

6 MR. BUCKLEY: I just want to point out  
7 that he says my letter of October 21 and that is Paul  
8 Halfmann. So it seems to me that seems to be pretty  
9 clear evidence that it is just a coincidence that  
10 those are two dates and it is apples and oranges that  
11 we are talking about.

12 MS. STEPHENS: We don't even know where  
13 they inspected.

14 MR. BUCKLEY: Halfmann is saying, I  
15 wrote a letter of October 24, '05, so it has to be  
16 Halfmann's letter.

17 MS. STEPHENS: This might not even be  
18 about 220 Washington Street.

19 THE WITNESS: It should be because it  
20 is addressed to Chief Bradley.

21 MR. BUCKLEY: That would be the only  
22 building he would be concerned with.

23 MR. D'ANGELO: We got a bunch of

1 records from you at one point, are there any other  
2 places that documents would be held besides the ones  
3 that you had.

4 MR. BUCKLEY: I gave you everything I  
5 had. You came in and you reviewed boxes of stuff and  
6 we got a box of stuff that you went and copied.

7 MR. D'ANGELO: Is there any place else  
8 within the city that people would have records that  
9 we didn't see.

10 MR. BUCKLEY: Not that I am aware.

11 THE WITNESS: May I suggest something.  
12 Why don't you call that fellow and ask him. He's a  
13 state fellow and he may be able to. That's the  
14 easiest thing.

15 MR. D'ANGELO: Thank you.

16 Q. Going back to Exhibit 72 two-page document  
17 unsigned and we are now understanding that you filled  
18 this out?

19 A. Yes.

20 Q. And the information that you received to  
21 fill this out, you received an item number 1 was from  
22 who. Is that personal knowledge or being told by  
23 somebody that this was being done?

1           A. I recall that time I don't know who  
2 structural engineer is. Through DPW general and DPW  
3 buildings and grounds, they were heading some  
4 structural elements to inspect the building. But I  
5 don't recall anything for that contact right now.

6           Q. Who gave you that information about that?

7           A. DPW.

8           Q. And item number 2. Who gave you the  
9 information regarding that?

10          A. DPW.

11          Q. And item number 3?

12          A. DPW.

13          Q. Item number 4?

14          A. DPW.

15          Q. And when we say DPW you are specifically  
16 mentioning --

17          A. The reason I am recalling this particular  
18 one through four, I say DPW because it can be DPW  
19 general meaning through commissioner's office or  
20 through buildings and grounds. I don't recall that.  
21 There's DPW Admin. And I really don't remember  
22 anything to be honest. Who did it. Because there is  
23 buildings and grounds and is it DPW general. I don't

1 remember right now.

2 Q. Was there another e-mail that you had  
3 received regarding the filling out of this?

4 A. No, this is just if I remember correctly,  
5 what I wrote on this thing, it was more on a verbal  
6 interviews.

7 Q. Was that in person in your office or there?

8 A. In person. The office I have office in DPW  
9 building. So I don't recall exactly.

10 Q. Who else has an office in that DPW building?

11 A. DPW commissioner, buildings and grounds, and  
12 then DPW administration then engineering department,  
13 then inspectional services which is not part of DPW  
14 just like I am not part of DPW organization chart.  
15 But their office is there parks and grounds and a lot  
16 of other offices.

17 Q. And the location of that building is where?

18 A. One Franey, F-R-A-N-E-Y, Road.

19 Q. And who are those department heads  
20 specifically that you just mentioned for each one.

21 A. Yes. I mean the departments that I am  
22 telling, not necessarily associated with this  
23 particular document. DPW Commissioner Stan Koty.

1 DPW buildings and grounds is Frank Santangelo which  
2 is superintendent. Then inspectional service is  
3 George Landers. Then there is the highway department  
4 Mike Buckley. The current superintendent, I don't  
5 recall who was at that time. And DPW administration  
6 is again part of commissioner's office. Parks I  
7 don't recall who is that. There are a lot -- it is a  
8 big yard actually. So there are a lot of  
9 departments. If you want I can think quietly.

10 Q. Do you have an office that you share in  
11 adjacent to someone in particular?

12 A. My office is with engineering department and  
13 that is the on the first floor of DPW. DPW  
14 commissioner, buildings and grounds, highway, then  
15 DPW operations which is a separate division again.  
16 They are on the second floor.

17 Q. Going back to Exhibit Number 72. Again item  
18 number 5. You already told us that on the other  
19 items you got that from DPW. What about item number  
20 five?

21 A. Item number 5 buildings and grounds.

22 Q. Number 6?

23 A. Buildings and grounds.

1 Q. Item number 7?

2 A. Buildings and grounds.

3 Q. So five, six, and seven -- anybody in  
4 particular from buildings and grounds?

5 A. Particularly as I said I don't remember this  
6 document earlier but I think now that I am trying to  
7 recall it, this particular document for number 7  
8 which is removing infiltration, I believe I also  
9 talked in addition to Frank Santangelo with Charlie  
10 Aliano, A-L-I-A-N-O. Who is responsible for HVA  
11 system throughout all the city buildings. And he  
12 works under Frank Santangelo.

13 Q. Is he an engineer?

14 A. No.

15 Q. Is he a plumber?

16 A. I don't know what his background is.

17 Q. So just how about five and six?

18 A. Frank Santangelo.

19 Q. For both five and six?

20 A. Yes.

21 Q. Number 8?

22 A. It is no response because it was I didn't  
23 get any response when I wrote it.

1 Q. Number 9?

2 A. Clean detail office. That response to Frank  
3 Santangelo.

4 Q. DPW?

5 A. DPW.

6 Q. Next one, number 10?

7 A. It was with Charlie Aliano from buildings  
8 and grounds, HVAC -- I don't know exactly what his  
9 title is. But the person who looks after HVAC.

10 Q. And that was item number 11 -- and there are  
11 two item number 11. Three items number 11.

12 A. That is a typo.

13 Q. Is it?

14 MR. BUCKLEY: Or maybe look at what  
15 number 11 says.

16 A. It may be a typo. I'm sorry. We have to  
17 look here. Sorry. Item number 11 increase  
18 ventilation. Item number 12 is temperature control.  
19 Item number 13 is keep chemicals at a minimum. So  
20 there is a typo in this document for the items. They  
21 should match. The wording is matching with the  
22 numbers in the DOS document.

23 Q. So the second 11 should be 12. The third 11

1 should be 13. And item number 12 should be 14 on  
2 this document. So we can go down the list again.

3 And so item number 11 which should be 12,  
4 who's responsible for that one?

5 A. Buildings and grounds Frank Santangelo.

6 Q. Item number 11 which should be 13?

7 A. Custodian. It is a part of a custodian  
8 supervisor who again reports to buildings and grounds  
9 superintendent Frank Santangelo.

10 Q. And item number 14?

11 A. Indoor air quality management plan.

12 Q. Did you ever hire an indoor air testing  
13 laboratory to review periodic indoor air quality?

14 A. No.

15 Q. Why not?

16 A. We did -- I don't recall if we did testing  
17 afterwards.

18 Q. You did testing?

19 A. No. I don't think so. I don't recall why.  
20 Maybe a little bit with budgets.

21 Q. Item number 68.

22 MS. STEPHENS: You are going to have to  
23 describe that.

1           Q. This is a FAX to Lucy Warsh dated August 9,  
2 2005. It says three pages and I only have two pages  
3 which is one the cover sheet for the FAX and the  
4 second it looks like the first page of the letter. I  
5 don't have a third page.

6           MR. BUCKLEY: Let me see what it is.

7           (A discussion was held off the record.)

8           Q. This is dated August 9 the FAX. With three  
9 pages. And the letter is dated April 19, 2005. And  
10 there is only one page to it. And this came to us  
11 attached together, and I don't know if the FAX is  
12 wrong or the FAX is relating to another document, or?

13          MR. BUCKLEY: Is this part of that big  
14 box of something that got copied. This is the first  
15 time it was brought to my attention. I will inquire  
16 to see if I can find the second page.

17          MR. WOLMAN: It could have got eaten  
18 by the machine?

19          MR. D'ANGELO: No. Nothing got eaten  
20 by the machine. It went to Staples. We got  
21 everything back.

22          MR. BUCKLEY: Sometimes two pages go  
23 through and one gets copied.

1 MR. D'ANGELO: That's possible.

2 MR. BUCKLEY: I have seen that happen a  
3 hundred times.

4 MR. D'ANGELO: That's possible.

5 MR. BUCKLEY: All I am saying I gave  
6 you everything you are looking for and that's first  
7 of all the documents you have shown me to be  
8 incomplete. I will make an inquiry to see if I can  
9 find that second page. It appears to be a letter  
10 from the mayor to Mr. Kenrick from April of '05. And  
11 the FAX was sent from Vithal Deshpande the witness  
12 here to Lucy Warsh.

13 MR. D'ANGELO: Right.

14 THE WITNESS: I don't recall.  
15 Interestingly --

16 MR. D'ANGELO: It refers to your FAX of  
17 April 9.

18 MR. BUCKLEY: There is no letterhead on  
19 that.

20 THE WITNESS: I don't know if it is a  
21 court document. Whether it was e-mail. I don't  
22 recall anything. I will check it out myself also.

23 Q. I am trying to get an idea on this letter.

1 You say it is a letter from the mayor?

2 A. Yes.

3 Q. And this also in this I think Exhibit 91  
4 refers to it as well. We will get to that in a  
5 minute.

6 You saw this letter. Did you help  
7 draft it or did you basically FAXing it after you  
8 received it. What did you tell me about the letter?

9 A. I do recall some of the discussions what it  
10 is mentioning in this letter.

11 Q. What particular in that page do you recall?

12 A. Everything.

13 Q. Everything?

14 A. Yes.

15 Q. Did you draft the letter for the mayor?

16 A. I don't recall that. If it was drafted I  
17 would have given him a copy.

18 Q. Who?

19 A. To Matt Buckley or assistant solicitor, a  
20 copy. I don't recall.

21 Q. So do you know why this letter was drafted?

22 A. It was drafted to respond to Robert Kenrick,  
23 the program manager from the state.

1 Q. And it is related to the October 21, 2004,  
2 investigation by those DOS guys, right?

3 A. Not only that but it is in continuation to  
4 the meeting that was held March 30, 2005. And that's  
5 why the letter is just in continuation to March 30  
6 meeting with Robert Kenrick and the mayor. And that  
7 is why the letter is in continuation of April 19.

8 Q. Did you attend that meeting on March 30?

9 A. Yes.

10 Q. What happened at that meeting?

11 A. We just went through the different  
12 discussion. What is the situation of the building  
13 and what needs to be done. The idea was that if at  
14 all that it is significant -- there is a possibility  
15 to vacate the building. That was the priority by the  
16 mayor to vacate the building and get the new home to  
17 the police which is still, I believe, part of the  
18 plan.

19 However, with the budgets it might have  
20 changed. But that I don't know.

21 Q. So at that meeting the mayor is telling the  
22 Department of Occupational Safety that they are  
23 planning on vacating the building?

1 A. That's correct.

2 Q. And why are they planning on vacating the  
3 building?

4 MR. BUCKLEY: Objection.

5 Q. If you know?

6 A. I don't know all answers but they wanted to  
7 have a big facility, I believe. And the mayor in  
8 general wants to have better facility for the police  
9 the new facility, and it is my understanding that he  
10 explored through other people through the city  
11 employees to have different possibilities, but there  
12 was a cost limitation.

13 Q. And that's what this meeting was about, the  
14 cost limitation?

15 A. No. This meeting was around that meeting he  
16 was trying to vacate the people.

17 Q. Why did he want to vacate the people from  
18 the building, do you know?

19 A. Because the building is old and it is  
20 possible he wants to have new house to the police,  
21 public safety building.

22 Q. In this letter it states they removed all  
23 the infiltration material that was stuffed in the air

1 vents restricting the flow. Was that true at the  
2 time?

3 A. Yes.

4 Q. And after that it was discovered that the  
5 ventilation still had the infiltration material in  
6 it?

7 A. Yes.

8 Q. So who told them that all this material was  
9 taken out?

10 A. It is in continuation to my communication  
11 and Frank Santangelo's communication. Although I did  
12 tell him personally as such, it is part of both  
13 communications.

14 Q. So this sort of goes back and relates to the  
15 March 9, 2005, letter that you sent?

16 A. That's correct.

17 Q. That is Exhibit Number 66?

18 A. Yes.

19 Q. So basically they are copying the  
20 information in this letter to that letter?

21 A. That I don't know. If he copied or what he  
22 did.

23 Q. So they are relying on this letter?

1 A. That's correct.

2 Q. And again the same thing address -- it is  
3 basically following the 1, 2, 3, 4 of that March 9,  
4 2005, letter in Exhibit Number 66 until you get to  
5 number five?

6 A. That's correct.

7 Q. It says here in order to separate the  
8 ventilation from the basement from circulating in  
9 other occupied areas of the building, the returns are  
10 sealed. Were they sealed?

11 A. Yes. To the best of my knowledge.

12 Q. And when you were there in December of 2005,  
13 several months after this letter was written, and  
14 approximately four months after this letter was FAXed  
15 over, did you observe the ventilation system still  
16 operating?

17 A. Yes.

18 Q. Number 6. An architectural firm was hired  
19 to review the requirement of alternative temporary  
20 location until the work is complete.

21 Did they figure out where that was. Did  
22 you know where they were going to be moving the  
23 temporary location of this building?

1           A. I was not involved in that particular part  
2 of the project, but if you don't mind, I just want to  
3 ask him one question.

4           Q. You can't.

5           A. I can't? I don't recall the name of the  
6 department. I don't know. That's my answer.

7           Q. Do you know what the architectural firm was?

8           A. I don't know.

9           Q. Exhibit number 91. Which is April 28, 2005,  
10 letter.

11          A. Okay.

12          Q. In this letter it says here and it is  
13 addressed to the mayor. It says the city prefers not  
14 to spend its limited financial resource to address  
15 corrective actions. And reassures the plaintiffs to  
16 vacate all personal stuff from the facility as soon  
17 as possible.

18                 Do you have any idea what as soon as possible  
19 meant in terms of vacating the people?

20          A. No.

21          Q. Did anybody have any discussions that you  
22 were present at discussing vacating personnel from  
23 the building?

1 A. No.

2 Q. Did you ever offer any opinion as to the  
3 conditions of the building itself that would, you  
4 know, warrant vacating the building?

5 A. No.

6 Q. Were you at any meetings whatsoever with  
7 anybody, the mayor, these other public officials,  
8 building department heads, or whatever where it was  
9 discussed that it was more feasible to move out of  
10 the building than it was to repair the building?

11 A. I don't recall right now.

12 Q. Let me, you know, go back and clarify that.  
13 Do you think there was a meeting where you might have  
14 been that somebody discussed that issue?

15 A. That's what I am trying to recall and I  
16 don't recall right now. There is a construction  
17 manager, I don't know what department he belongs to.  
18 But basically he was looking into possibilities to  
19 vacate the building and have temporary housing and  
20 then build a new one. But I don't know. I was not  
21 much involved in that whole operation.

22 Q. We are going to go to Exhibit Number 82.

23 This comes from Massachusetts. It looks like some

1 kind of release announcing grants April 22, 2005.

2 Take a look at that.

3 A. Yes.

4 Q. Were you aware of that announcement here  
5 that the public safety building that was 70 thousand  
6 dollars towards the demolition of the public safety  
7 building in union square, in remediation of the site  
8 that remains so that it can be redeveloped into a  
9 mixed use commercial residential site?

10 A. No.

11 Q. You weren't aware of that?

12 A. No.

13 Q. Do you know anything about the 70 thousand  
14 dollars?

15 A. Yes.

16 Q. Do you know how it was spent?

17 A. I don't know specifically about 70 thousand  
18 dollars. But I know specifically about Brownfield  
19 program by Executive Office of Environmental Affairs.  
20 That particular grant was administered by Office of  
21 Strategic Planning and Community Development within  
22 the city. And they were responsible and they were  
23 working independent of me.

1 Q. Do you know who that person was?

2 A. Elaine Middleton.

3 Q. Does she still work for the city?

4 A. She works for the state. I don't know which  
5 department.

6 Q. So she works for the state now?

7 A. Yes.

8 Q. And in the 70 thousand dollars went to them  
9 at the Community Development Agency?

10 A. They basically administer this grant so it  
11 went to them.

12 Q. Do you know how the money was spent?

13 A. No.

14 Q. Did you sign off on anything that the money  
15 was spent for things that you are responsible for?

16 A. For all Brownfield letter project, all  
17 signoff was done by Elaine Middletown except after  
18 she left, not as a part of this grant, but some other  
19 work related with Massachusetts DEP on the  
20 contamination. I signed off on some paperwork. But  
21 that is not part of this grant.

22 Q. It wasn't?

23 A. No.

1 Q. So even though this money was supposed to be  
2 used for the public safety building as part of a  
3 demolition and it looks like Brownfield type stuff  
4 you are not familiar with how the money was spent?

5 A. No.

6 Q. And the designation on that property, it is  
7 a Brownfield at this point?

8 A. Yes.

9 Q. And you oversee that as environmental  
10 coordinator or is there somebody else in the city  
11 that oversees that?

12 A. When Elaine Middleton was there, she was  
13 overseeing the whole thing then there were a few more  
14 people. I don't recall their names.

15 Q. The person you just mentioned?

16 A. Elaine Middleton.

17 Q. The same person you talked about?

18 A. The same person I talked about. She was the  
19 project manager for Brownfield development all across  
20 the city and she was doing that work. I was not  
21 involved in that. Currently there is another person,  
22 his name is Peter Mills, he's basically overseeing  
23 the project.

1 Q. Now?

2 A. Yes. But I don't know what he's overseeing.  
3 He's overseeing Brownfield program. I don't know  
4 about what he doing right now.

5 Q. And to go with that there is a press release  
6 dated April 22, 2005, Exhibit Number 94.

7 A. Okay.

8 Q. Have you seen that before?

9 A. No.

10 Q. You never saw that?

11 A. No. I have seen many press releases. I  
12 don't remember.

13 Q. So in your job, do you have any oversight  
14 whatsoever where you can authorize contractors or  
15 subcontractors to do work on any project that you are  
16 involved in, including the 220 Washington Street.

17 A. 220 Washington Street, I don't recall except  
18 probably a few times when we had these testings. I  
19 might be involved with the contractors, but other  
20 than that, as of 220 Washington Street for DEP  
21 related contamination closure of that work.

22 When Elaine Middleton with Brownfield programs  
23 manager left as a part of non Brownfield grant work.

1 I am signing it off right now. Then for any other of  
2 my work, other than 220 Washington Street, I have  
3 sometimes some contractors that I work with them. It  
4 can be literally underground storage tank removal or  
5 hazardous waste contractor or recycling contractor.

6 Q. So you do have oversight and authorization  
7 to higher subcontractors and contractors?

8 A. Yes.

9 Q. What is the process for doing that. Do you  
10 have to put it out for bid? Do you have a  
11 discretionary amount to spend?

12 A. State regulations, anything under five  
13 thousand dollars. We don't have to go bid. Anything  
14 above five thousand to, I think, 25 thousand dollars,  
15 there needs to be three quotes. And anything above  
16 25 thousand, would have to go through the bidding  
17 process.

18 Q. Exhibit number 67, and this is dated  
19 August 8, 2005, to John Gannon, Joseph Curtatone from  
20 you with a cc to Janice Delory. Do you recall  
21 writing that?

22 A. Okay.

23 Q. What was the motivation for writing this

1 particular memorandum?

2 A. From them to give the update to the mayor.

3 Q. How did you collect your information for  
4 this report?

5 A. From my experience and from whatever  
6 information that I have on other documents.

7 Q. What documents did you use to prepare this  
8 report?

9 A. Department of Occupational Safety documents.

10 Q. Do you know what the date of that one was?

11 A. Same one.

12 Q. April 21, 2004?

13 A. Then I had several discussions and  
14 interviews with many people working in public safety  
15 building.

16 Q. Who did you talk to in particular?

17 A. I don't remember the names but people  
18 basically police, several police, several employees  
19 within the police department. I talked, I don't  
20 remember any specific name.

21 Q. Did you write down notes regarding those  
22 interviews. Did you take notes?

23 A. It was not done as an official formal

1 interview when I was there.

2 Q. You didn't write anything down when you went  
3 and did your interviews?

4 A. No.

5 Q. You don't remember the names of who you  
6 talked?

7 A. I don't remember the name.

8 Q. But you didn't write that down?

9 A. It was not a formal interview.

10 Q. So basically what you have here is there was

11 basically review of the documents that you had a  
12 couple of interviews, some interviews with people  
13 over at the public safety building?

14 A. Yes.

15 Q. And you basically created this document  
16 here.

17 A. Just to give the information about what are  
18 the issues of the public safety building to the mayor  
19 and to the city solicitor.

20 Q. And then we have here a letter. Exhibit  
21 Number 71. Dated September 23, 2005. And this comes  
22 from Robert Kenrick, program manager at DOS,  
23 Department of Occupational Safety to the Mayor

1 Curtatone. An update, summarization of what they  
2 have received from your offices?

3 A. Okay.

4 Q. Do you remember seeing this document.

5 A. I don't remember if I have a copy of that.  
6 I will check it out. I don't remember a copy.  
7 Particularly I don't remember any.

8 Q. So you don't know if you have ever seen this  
9 or?

10 A. There is no signature also. It just says  
11 like that. Just for the record.

12 Q. It shows received on October 4 by the city  
13 of Somerville.

14 MR. BUCKLEY: Probably got FAXed. I  
15 have no idea.

16 A. There is no cc. Whatever goes through this  
17 department, I usually got the cc. And also police  
18 chief.

19 Q. Do you know, you mean in this item number 1.  
20 It says there was a structural engineer on or about  
21 the time of August, 2005, as well as a masonry  
22 company trying to repair. Do you know who they were?

23 A. That happened through the construction

1 manager of the city and I was not involved.

2 Q. And that would be who?

3 A. Jerry Boyle, B-O-Y-L-E.

4 Q. And they requested that some documentation  
5 in item number 2. Do you know if anybody ever sent  
6 any documentation over DOS that any of this work was  
7 being done?

8 A. No.

9 Q. And it says from a letter from March 9 that  
10 many roof leaks that were causing damage or moisture  
11 have been addressed. And that is it. This was  
12 confirmed on another letter April 19, 2005. And this  
13 letter comes out saying DOS assumes that these  
14 repairs have decreased the number of leaks into the  
15 building and require no further action on this item  
16 once documentation has been received. Do you know if  
17 any documentation has ever been sent to them?

18 A. No.

19 Q. That would be whose responsibility for  
20 sending that over to them?

21 A. Usually all the documentation for DOS was  
22 sent to me.

23 Q. You never saw any documents?

1 A. No.

2 Q. You never responded to this letter?

3 A. I don't recall this letter so.

4 Q. So you couldn't have responded?

5 A. So I don't recall responding to that letter.

6 Q. And item number 6 it says on December 28,  
7 2004, Vithal Deshpande indicated in a letter that the  
8 city was in the process of sealing the exhaust vents  
9 in the basement in order to prevent recirculation the  
10 air from this area into the first and second floor.  
11 And then they say there is no further action because  
12 they assume it was taken care of?

13 A. That's correct.

14 Q. Same thing is true for number seven that  
15 remediation had taken place according to a letter you  
16 dated September 27, 2004, so no further action was  
17 deemed on that.

18 A. Yes.

19 MR. BUCKLEY: Which letters do you not  
20 have.

21 MR. D'ANGELO: These.

22 MR. WOLMAN: September 27, 2004.  
23 December 28, 2004. August 3, 2005.

1                   MR. BUCKLEY: What are they purported  
2 to be? Communications from whom to whom.

3                   MR. WOLMAN: September 28 from Vithal  
4 Deshpande to I presume to DOS also August 3, 2005,  
5 would presumably be from the mayor because it says  
6 from you and it is addressed to the mayor. Vithal  
7 Deshpande, September 27, 2004. I would think it  
8 might be an error might be 2005 possibly. It  
9 suggests that because it would be talking about  
10 remediation happening before there was even a  
11 complaint filed. There may be an error.

12                   MR. BUCKLEY: It is subsequently  
13 incorrect to say '04. Any other dates?

14                   MR. WOLMAN: No.

15                   MR. BUCKLEY: Those are references by  
16 Mr. Kenrick.

17                   MR. D'ANGELO: Yes.

18                   MR. BUCKLEY: Now referring to  
19 correspondences to the city, various persons to DOS.

20                   MR. WOLMAN: Correct. Or at least  
21 copied to DOS.

22                   MR. D'ANGELO: And again this letter  
23 here would have been something -- you haven't seen it

1 and you probably would have put the response together  
2 because you had done previous response.

3 A. Whenever I sent a letter to DOS usually a  
4 copy of the letter is sent to the mayor's office to  
5 the police chief. I will check it out on my own.

6 Q. They are basically no response for the city  
7 on the recommendation for temperature control within  
8 the building and the chemical business with the use  
9 using a minimum using green cleaners instead, no  
10 response from the city on this recommendation and  
11 development of an air quality management plan, it  
12 says here, you know, same August 3 letter we talked  
13 about, that did not seem to feel the need to develop  
14 an indoor air quality management plan. Is that  
15 correct? The last item?

16 A. Yes. A letter from your office dated  
17 August 3, 2005, indicated that you did not seem to  
18 feel the need to develop an indoor air quality  
19 management plan, but that you plan to continue  
20 monitoring indoor air quality with certified letter.  
21 Yes.

22 Q. Yes what.

23 A. I remember telling them like that. But not

1 exactly in these words but something along that line.

2 Q. Any of these items here and if you want to  
3 take a look at them again, items that they are  
4 referring to them, are there any errors in any of  
5 those items in terms of what you said or what you  
6 wrote in your letters?

7 MR. BUCKLEY: Can you specify. There  
8 are three pages of information you are handing to  
9 him.

10 MR. WOLMAN: Are the statement action  
11 items 1 through 14 correct.

12 MR. BUCKLEY: It is kind of an overly  
13 broad question. You are asking him to review an  
14 entire document to see if everything is completely  
15 correct. If he's going to ask you that question, I  
16 don't have a specific objection to it other than the  
17 fact it is overly broad. Read every single word,  
18 don't skim it.

19 MS. GOLDSTEIN: Can we take a break.

20 A. From what we discussed right now, about this  
21 document and what I am seeing, it appears to be most  
22 of the things are in line.

23 Q. Make sure all of the things, not most of the

1 things?

2 A. I would have to go and confirm everything.  
3 I cannot say like that.

4 Q. So you would have to refer to letters and  
5 correspondences that you wrote that we don't have?

6 A. That's what I am thinking of. What exactly  
7 they are talking about.

8 Q. You would know because you did all the  
9 drafting to the state on responses here.

10 A. Yes.

11 MR. BUCKLEY: Objection as to all.

12 Q. Did anybody else draft any other responses  
13 besides yourself to the state regarding these --

14 A. From all your reference it seems there are  
15 some letters from the mayor. I don't know if the  
16 police department did anything. I don't know if the  
17 police union did anything. I don't know if specific  
18 police employee did anything. So there are a lot of  
19 responsibilities.

20 Q. So that is fair. At this point we will take  
21 a break and why don't we figure we will back in one  
22 o'clock.

23 (A recess was taken.)

1 Q. Exhibit 69. Dated 16 of August, 2005.  
2 Foley and Buhl Structural Engineers. Have you seen  
3 that document before.

4 A. No.

5 MR. BUCKLEY: Let me just look at this.

6 Q. So you have never seen that before?

7 A. I don't recall. This was basically that is  
8 the person who was dealing, I mentioned Jerry Boyle.  
9 He is the person I was talking about. I couldn't  
10 remember the department planning. That's the same  
11 one I am talking about.

12 MR. BUCKLEY: I think it is a capital  
13 projects.

14 MR. D'ANGELO: Capital projects  
15 management department.

16 Q. And I will show you Exhibit Number 70. A  
17 memorandum from Gerald Boyle, the director of Capital  
18 Projects Management Department dated August 17, 2005.  
19 Have you seen that?

20 A. He sent me information, okay.

21 Q. The question was have you seen that.

22 A. I don't recall it.

23 MR. BUCKLEY: Hold on a second. Let me

1 see this. What about you?

2 THE WITNESS: It is to me.

3 MR. BUCKLEY: That's this.

4 THE WITNESS: This one, this one. They  
5 are the same company.

6 MR. BUCKLEY: No.

7 A. Yes. I did that also. I don't remember all  
8 of these details. That much I can tell you.

9 Q. You don't remember seeing any of this?

10 A. No.

11 Q. Why would he send you this?

12 A. I also know that he was involved in the  
13 project. That is exactly what I told you earlier.

14 Q. Which project was that?

15 A. To evacuate the building and to check it out  
16 about the structural engineer. There is two options.  
17 Get structural engineer on board and do some changes.  
18 And another part was to evacuate the building. He  
19 was the man coordinating that thing. I know, of  
20 course, that part. And if at all some thing which I  
21 am missing I don't know. I was not involved in that.

22 Q. You were not involved?

23 A. I was not involved.

1 Q. Did you ever meet them at the public safety  
2 building to go over what they were looking at to do  
3 in the building?

4 A. Not at the public safety building.

5 Q. I am talking about Foley and Buhl Structural  
6 Engineers. You were never with them at the building?

7 A. I don't recall. Is there something said in  
8 here. Where is that.

9 Q. Let's go back to Exhibit 69 if you read the  
10 first paragraph. Who is Jennifer Campbell.

11 A. I don't know anyone.

12 MR. BUCKLEY: She is with the other  
13 consulting group.

14 A. The only thing I can say on this thing is  
15 that I had only one conversation with Jerry Boyle in  
16 the sense one meeting. I was not involved in this  
17 whole process. That is why I am not remembering it.

18 Q. Whenever there is a tour of that building by  
19 somebody including when we were there, you were  
20 always present?

21 A. Not always. I would not say always.

22 Q. The meetings that we had when our firm  
23 brought their experts into the building?

1 A. Yes.

2 Q. You were there at those two meetings. And  
3 this meeting here they brought you in there as well.  
4 You were attending that meeting?

5 A. It says but I don't recall at all.

6 Q. Is there a reason why you get picked to go  
7 to those accompanying people to go through building  
8 to look at?

9 A. Not always. I was called when you were  
10 there because it was environmental testing. And he  
11 was communicating directly with all these people. So  
12 I might have got in but I am not sure about that.

13 Q. Did you have any conversations with anybody  
14 else at the city about fixing the structural part of  
15 the building?

16 A. I am not expert.

17 Q. Did you attend any meetings with anyone  
18 regarding this project?

19 A. It shows there. This is the only document  
20 in all my memory. I really had no idea. It shows I  
21 was there. So obviously I was there. But I don't  
22 know anything about structural portion which I was  
23 working. I knew that Jerry Boyle was the person

1 that's what I referred to you earlier, but I don't  
2 remember anything. And I am not expert in structural  
3 degree so there is not issue.

4 Q. I understand. But it seems like you are the  
5 point person on this project. This Jerry Boyle is  
6 sending you this documentation because you have a  
7 meeting according to this set up. Do you recall that  
8 meeting.

9 MR. BUCKLEY: Objection.

10 Q. Where this project was discussed with the  
11 mayor?

12 A. I really don't remember. I am serious.

13 Q. I am taking you as serious.

14 A. I don't remember.

15 Q. Why would he send you this if you are  
16 supposed to be having a meeting with the mayor  
17 regarding this project.

18 MR. BUCKLEY: Objection to the  
19 characterization.

20 MR. D'ANGELO: What characterization.

21 MR. BUCKLEY: It doesn't say that. It  
22 doesn't say he is meeting with the mayor.

23 MR. D'ANGELO: Sure it does.

1                   MR. BUCKLEY: At next weeks meeting  
2 with the mayor. It doesn't say he is going to be  
3 meeting with the mayor. It could be Boyle's meeting  
4 with the mayor.

5                   A. I don't remember. That is exactly what I am  
6 pointing out. One thing I would like to make sure  
7 just on the record.

8                   Q. It says right here that you can use this  
9 information. You. This is directed to you. That's  
10 what this is about. You.

11                  A. I just don't know.

12                  Q. So that's the characterization. You had a  
13 meeting with the mayor regarding this project,  
14 correct?

15                  A. Which project.

16                  Q. This project right here?

17                  A. I am not responsible.

18                  Q. Why did Boyle give him this memo?

19                  A. You can ask him.

20                  Q. We probably will have to. So it is your  
21 testimony today you don't remember seeing any of this  
22 stuff before?

23                  A. I don't recall anything. What I knew I told

1 you, even before you showed me this document that all  
2 structural issues, I was not recalling the name of  
3 the department, but I recall the name of the person  
4 Jerry Boyle which is still there. But I don't  
5 remember anything else.

6 MR. WOLMAN: Let's take a look at 73.

7 Q. This seems to be a public safety building  
8 agenda. It was a meeting on October 20. You  
9 attended that meeting. It is Exhibit Number 73. It  
10 is an agenda.

11 A. I seems that I attended the meeting.

12 Q. Did you attend a meeting with that agenda.  
13 Did you make those notes?

14 A. I don't write notes.

15 Q. You don't write notes?

16 A. No. I don't write notes, but if my name is  
17 there I must have attended it.

18 MR. BUCKLEY: Can I look at that again.  
19 Where is your name.

20 A. My name is here. I must have attended it.

21 Q. And that meeting you looked over the DOS  
22 responses, the ones we went over earlier. Who's  
23 attending that meeting. Who are you presenting this

1 response of DOS to.

2 A. It might be probably the mayor with the  
3 police chief, the names I cannot say a specific name.

4 MR. BUCKLEY: Just if you recall.  
5 Don't guess what probably is the case.

6 Q. How many times over the course of the last  
7 two years since the DOS report came out with all  
8 these problems, did you meet with the mayor and the  
9 police chief about the 220 Washington Street  
10 location. Once, twice, five times, ten times?

11 A. More than once. But not more than five  
12 times.

13 Q. In the last two years?

14 A. That's what I think.

15 Q. Do you recall when was the last time you had  
16 a meeting like that? Last week? Last month? Last  
17 year?

18 A. Sometime last year. I don't recall when.

19 Q. Late last year?

20 A. I don't recall.

21 Q. Was there an agenda for that meeting?

22 A. No.

23 Q. Do you know what was discussed at that

1 meeting?

2 A. No.

3 Q. Have you seen this document before? It is  
4 Exhibit Number 74. It looks like budgets for repairs  
5 on 220 Washington Street?

6 A. This thing, something is similar. I don't  
7 remember the dollars and cents in here. Something  
8 similar as for the repairs.

9 Q. Do you remember. Do you recognize any of  
10 the handwriting on there?

11 A. No. It is not mine.

12 Q. How about the previous Exhibit Number 73.  
13 Do you recognize any of the handwriting on there?

14 A. Not mine. No.

15 Q. It is not yours?

16 A. No.

17 Q. Do you recall when this meeting took place?

18 A. No.

19 Q. Do you know who might have attended this  
20 meeting?

21 A. No. First of all, you showed this  
22 spreadsheet. I remember spreadsheet. It doesn't say  
23 it was part of the meeting. I don't know who wrote

1 on that. And when they wrote it. It doesn't say it  
2 was part of the meeting.

3 Q. I didn't say it was.

4 A. You said if I remember. I remember the  
5 document but it doesn't mean there was a meeting.

6 Q. You remember this document. What do you  
7 remember about it. Who created it?

8 A. It was created by Jerry Boyle.

9 Q. So you think he created this?

10 A. He was the responsible person for mason and  
11 structural engineer.

12 Q. This looks like it came off of this document  
13 here.

14 MS. STEPHENS: Where are you now.

15 MR. D'ANGELO: I apologize. Exhibit  
16 70.

17 Q. It looks like 74 with all the handwritten  
18 notes on it. It has come from the proposal.

19 A. I don't know if it is a proposal.

20 Q. Well, it was given to you by Jerry Boyle in  
21 a memorandum.

22 A. That I know.

23 Q. So I am just wondering if it's part of the

1 proposal from the engineering structural firm. You  
2 had two quotes from two different structural  
3 engineering firms which don't really give you a total  
4 cost as a breakdown so it looks like Jerry Boyle  
5 added up the numbers?

6 A. That's what I think. I don't know. This  
7 particular portion I don't recall.

8 Q. This is Exhibit Number 75 dated 8-03-05,  
9 August 3. Do you recognize the handwriting on that?  
10 Have you seen those notes and are they referring to  
11 you. The VD in there that they are talking to?

12 A. VD should be me.

13 Q. Is that a meeting that you had. Was this a  
14 meeting that you attended?

15 A. I think it says VD meet with Charlie Aliano  
16 the person responsible for HVAC.

17 Q. Do you recall being at a meeting where this  
18 is air quality testing?

19 A. Yes.

20 Q. Do you know did you attend a meeting where  
21 it was proposed to do air quality testing in the  
22 building back in August of 2005?

23 A. I don't recall.

1 Q. Well did the subject -- this lawsuit was  
2 filed sometime around August of 2005?

3 A. Okay.

4 Q. And was there a meeting sometime after the  
5 suit was filed where discussions were made about the  
6 suit and some of the things that needed to be done to  
7 address like air quality issues in the building?

8 A. I don't recall specifically about suit. But  
9 some meetings as I mentioned earlier where all these  
10 questions came. Is there something the date matches  
11 your suit.

12 Q. I am just asking you if you attended a  
13 meeting in August of 2005 where the subject of the  
14 lawsuit that we are here about came up and there were  
15 proposals to do work on the building and testing and  
16 so forth. Do you recall being at that meeting?

17 A. I don't recall any specific meeting.

18 Q. So you didn't attend any meeting in August  
19 of 2005?

20 MR. BUCKLEY: Objection.

21 A. I don't remember. That's what I am saying.  
22 I didn't say I didn't. I don't remember by dates. I  
23 don't tell the calendar like that.

1 Q. How do you keep track of things if you don't  
2 look at a calendar?

3 A. I do have calendar that I bring to that  
4 meeting, but I didn't bring any calendar here.

5 Q. Do you have a calendar where you write  
6 things in, where you were, and what you were doing on  
7 particular days?

8 A. I put it on the outlook on cell phone or  
9 palm pilot. Sometimes. Right now I am using my cell  
10 phone. To reduce all electronic gadgets.

11 Q. So how long did you have your palm pilot?

12 A. Until it broke and then I use outlook.

13 Q. Outlook. How long have you used outlook?

14 A. I always used.

15 Q. For how long?

16 A. Not for the city, because it was not there.  
17 Probably six, seven years. I don't know.

18 Q. So that would keep track where you are and  
19 where you are going on various days.

20 A. I can check it out.

21 Q. We will put a formal request in for your  
22 outlook calendar.

23 A. Sure. Not a problem.

1 Q. I will show you Exhibit Number 76. Up at  
2 the top, it shows names. Do you know who those  
3 people are. Who is the first person?

4 A. Bradley.

5 Q. Who is Bradley?

6 A. It could be chief Bradley, police chief. It  
7 should be. I am assuming. These are all my  
8 assumptions.

9 Q. Next person on the list?

10 A. I cannot read it.

11 Q. Next person on the list?

12 A. No. I cannot read it.

13 Q. Next one on the list?

14 A. No.

15 Q. And the next one?

16 A. Kostaras.

17 Q. Who is that?

18 A. He was director, executive director for  
19 strategic planning and community development.

20 Q. Who's the next person?

21 A. Boyle.

22 Q. That would be?

23 A. Jerry Boyle.

1 Q. Next one?

2 A. Seems to be Santangelo, but I can't  
3 remember.

4 MR. BUCKLEY: I think that second one  
5 might be Fowler if that is any help.

6 Q. And this is a meeting that took place on  
7 July 22, 2005 and listed at Public Safety. Do you  
8 remember attending any meeting with those individuals  
9 at that time back in July of 2005, July 26, of 2005.

10 A. My name is there. But I am not mentioned, I  
11 don't know.

12 Q. Whether you attended or not, did anybody  
13 come to you after that date in July or August and  
14 talk to you about these two things that your initials  
15 are by?

16 A. I cannot read what it says. So that is one  
17 thing. My name is not there. So I don't know if I  
18 attended it. There is a good possibility that I  
19 attended the August meeting but I don't remember the  
20 dates.

21 Q. If you attended a meeting it would be in  
22 your calendar, in outlook?

23 A. It should be.

1 Q. And this is basically saying something about  
2 a cost estimate and a five year something or other?

3 A. What is it.

4 Q. And there is something about one more  
5 custodian. What do they mean by one more custodian.  
6 Do you remember about having a conversation about  
7 someplace at the public safety building one more  
8 custodian?

9 A. That is always mentioned. That always came  
10 into discussion. He meant by Department of Safety  
11 there is only one custodian for a big building so  
12 that might be reference to that.

13 Q. Was there a recommendation by anyone to put  
14 more than one person as a custodian in that building?

15 A. I don't recall. I am doing the  
16 recommendation. I don't remember anybody else.

17 Q. This was after the 2004 DOS report and one  
18 of the recommendations I recall was to have better  
19 housekeeping at that building?

20 A. Yes. Yes.

21 Q. So would that be one of the discussions on  
22 this issue?

23 A. Better housekeeping was discussion, but we

1 may not have discussed personnel.

2 MR. D'ANGELO: We are taking a break  
3 for ten or fifteen minutes.

4 (A recess was taken.)

5 Q. We are on number 77. This is a notice of  
6 enforcement conference dated October 25, 2005,  
7 addressed to you?

8 A. Yes, I know.

9 MR. BUCKLEY: That's DEP.

10 Q. So this is regarding the 21E problem over at  
11 the site?

12 A. Yes.

13 Q. And do you know why you received this  
14 enforcement?

15 A. Yes, I know.

16 Q. Why is that?

17 A. Basically for 21E the letter cites, we had  
18 two different sets of ongoing issues with this public  
19 safety building regarding the oil and other  
20 contamination that is there for years. And 21E  
21 depending on the types of phases as defined by the  
22 licensed professional needs to file the paperwork and  
23 continue the work. There was some lapses due to lack

1 of funding by the city to complete those phases and  
2 pursuant to that basically the city -- there was a  
3 notice of enforcement.

4 Q. How does the city pay for that?

5 A. City didn't pay for that. Because we had  
6 basically conference meeting that's what the DEP says  
7 and we were to complete the work within certain limit  
8 and the DEP just keeps, they are just confirming that  
9 they are doing the work.

10 (Attorney Goldstein enters the room.)

11 MR. D'ANGELO: You didn't miss much.

12 Q. So the money that comes from what source to  
13 pay for the 21E part of cleaning up or staying in  
14 touch with the regulation requirements?

15 MR. BUCKLEY: Objection. Asked and  
16 answered. Go ahead you can answer.

17 A. For public safety building, there are two  
18 different sets. One was portion of Brownfield  
19 project.

20 Q. I guess what I am asking does that money  
21 come from the state?

22 A. That's exactly what I am explaining. For  
23 public safety building there are two different sets.

1 One was Brownfield project which came from the state  
2 and which is ongoing. The other one was related with  
3 the non Brownfield project.

4 Q. So what percentage of money does the state  
5 pick up?

6 A. There is no percentage. They are both  
7 independent things. So you cannot mix with each  
8 other. And basically it is, I think it comes from the  
9 capital project. It is not something I am  
10 responsible for. It is DPW or the mayor's office.  
11 They had to work on that. I don't have budget for  
12 that.

13 Q. So the concern with those underground  
14 storage tanks, are they leaking?

15 A. I don't know because they are very old  
16 numbers. The tracking numbers are very old what  
17 exactly how they started. The reason my name came  
18 was because the person that was handling these thing,  
19 he was basically the project manager for the city  
20 previously, similar to Jerry Boyle. He left a couple  
21 of years before this, and then they just found who  
22 might be the right person to contact. They contacted  
23 me.

1 Q. Exhibit Number 78. And this is from a FAX  
2 in the mayor's office from Joe Delory?

3 A. Janis Delory to Bob Kenrick.

4 Q. This is similar to another document we  
5 looked at before from Boyle regarding work to be done  
6 on the building. Are you familiar or have you seen  
7 that?

8 A. No. Again if it is the part of that  
9 previous document which you gave it to me. I don't  
10 know. I don't recall.

11 MR. BUCKLEY: It is part of that.  
12 That's attached to I don't know 61 or something like  
13 that.

14 Q. Exhibit Number 79?

15 MS. STEPHENS: This is the one we have  
16 already seen before. This was the puzzle one.

17 MR. WOLMAN: 72, but then there was  
18 another page to it.

19 MR. D'ANGELO: Which was another  
20 puzzle.

21 Q. Have you seen this document before. And the  
22 second page it says at the bottom page one of three.  
23 Who sent this.

1 A. I have no idea.

2 Q. No idea.

3 MR. BUCKLEY: This must be a letter  
4 from --

5 Q. It was the same one before.

6 A. I am almost certain.

7 MR. BUCKLEY: Was that 6-24-05.

8 Q. We were looking for the other two pages that  
9 go with it. This is Exhibit 79. And it is a letter  
10 to Chief Bradley on the second page of it. One of  
11 three pages but we only have the first page. This is  
12 an inspection of 220, so we are looking to see if  
13 there is anything else.

14 MR. BUCKLEY: Those are two letters  
15 with two different dates on them. The first one is  
16 November. 11-2-05.

17 MS. STEPHENS: We have already gone  
18 through that.

19 MR. D'ANGELO: In the first one it  
20 refers to the second letter.

21 MR. BUCKLEY: It doesn't refer to a  
22 letter. It refers to an inspection that occurred on  
23 the same date.

1                   MR. D'ANGELO: But we don't have the  
2 other copies of that inspection.

3                   MR. BUCKLEY: If there is such a thing.  
4 I don't think you can get a copy of an inspection.  
5 Maybe a report from an inspection.

6                   Q. Exhibit Number 80. You got 25 pages on  
7 Exhibit Number 80. And this is a number of invoices  
8 that appears. Have you seen any of those invoices  
9 before.

10                  A. What is it about. I don't know. I didn't  
11 see any invoices and I don't know this company.

12                  Q. You have never seen that before. Were you  
13 aware that they were having problems with mice and  
14 insects and so forth over at the building at 220  
15 Washington Street?

16                  A. That is a Board of Health issue and I don't  
17 get involved in that.

18                  Q. So you wouldn't know anything about it?

19                  A. No.

20                  MR. BUCKLEY: They having any air  
21 quality problems, the mice.

22                  Q. Exhibit Number 81. It is an ongoing problem  
23 in the building. They can't keep the mice alive.

1 MS. GOLDSTEIN: For the record, there  
2 is 26 pages for exhibit 80.

3 MR. D'ANGELO: I will leave it to Jay  
4 to confirm that.

5 A. I don't know anything about this.

6 MR. BUCKLEY: There is a dead mouse in  
7 the shower and one alive running around and they  
8 suspect that is the killer of the first one.

9 MR. WOLMAN: It is 26 pages.

10 MS. STEPHENS: And this is an event.

11 Q. Did anybody bring to your attention that  
12 there were problems over there with insects and mice.

13 A. That is Board of Health issue and not mine.

14 Q. Even though you were over there when you  
15 were interviewing police officers, they didn't  
16 mention to you other issues at the building?

17 A. Not that I know of. What date is that by the  
18 way.

19 Q. 10-17, 2005?

20 A. I don't think I did any interview or  
21 discussion with police officers.

22 Q. Exhibit Number 83. I got 63 pages.

23 Here we have a number of incident

1 reports. Have you ever seen any of those incident  
2 reports.

3 MR. BUCKLEY: I am wondering what's the  
4 deal. Why do we have all these on number 83. There  
5 seems to be all different dates on these various  
6 reports. Why are they all lumped into one exhibit.

7 MR. D'ANGELO: For convenience sake.  
8 If you want to separate them out and label them.

9 MR. BUCKLEY: That's fine. I just  
10 wanted to get on the record that they are all  
11 different dates. That's all.

12 A. I don't recall this thing. I am talking  
13 about this one right now.

14 MR. BUCKLEY: That's 84.

15 Q. But the air quality issue comes up when you  
16 look at that. Did anybody tell you there were  
17 problems on those particular dates on air quality  
18 issues.

19 A. Which one.

20 Q. If you read strong odor of fumes in 911  
21 commander's office, station man's area. Causing  
22 burning of the eyes, dizziness and nausea, fire  
23 department was called. Did anybody ever contact you

1 about those issues in the building.

2 A. If the fire department thinks that, they can  
3 call me 24-7 at any time.

4 Q. You didn't get a copy of one of these on the  
5 building?

6 A. I didn't get it and the fire department  
7 didn't call me.

8 MR. D'ANGELO: So it is 52 on that one,  
9 for 83.

10 Q. Another date. There was a strong odor of  
11 gasoline emanating from the garage. No one called  
12 you and talked to you on February of 2005 about that  
13 issue?

14 A. No.

15 Q. Another incident in February of 2005 with  
16 fumes coming into the dispatch area. Nobody ever  
17 told you that was a problem that day?

18 A. No.

19 Q. So you don't get a copy of these reports at  
20 all? Period.

21 A. No.

22 Q. Do you know who would get this report?

23 A. That's why I was curious, but it doesn't say

1 who gets it.

2 Q. I don't know who got it. I am just trying  
3 to figure out who gets this and who responds to it?

4 A. I didn't get those reports.

5 Q. So if you had 20 or 30 reports with the kind  
6 of things they are describing in here, would that  
7 cause you to get involved with investigating the  
8 building further as environmental coordinator?

9 MR. BUCKLEY: Objection.

10 A. It is a hypothetical question. I don't know  
11 that answer. Nobody called me like that.

12 Q. So you are not responsible for that?

13 A. No.

14 Q. And Exhibit 84 has?

15 A. It appears to be similar but different print  
16 style. Someone changed the program.

17 Q. It is 11 pages is what I got. And these are  
18 additional reports sent in about heating problems in  
19 the building back in December of 2005 there was no  
20 heat. December 14 no heat?

21 A. That must have been notified to buildings  
22 and grounds.

23 Q. So that is their responsibility. And you

1 wouldn't have anybody share any of that stuff from  
2 those departments regarding further investigating as  
3 environmental coordinator.

4 MR. BUCKLEY: Objection as to wouldn't.

5 A. No. I don't recall any.

6 Q. Exhibit Number 85. It has nine pages to it.  
7 Have you seen that before?

8 A. Yes.

9 Q. Where did you see it?

10 A. I made it.

11 Q. You made it?

12 A. Yes.

13 Q. How did you make that. Did it come to you  
14 as a newsletter and you converted it to your own?

15 A. It was like an educational by toxic use  
16 reductions institute. U Mass Lowell.

17 Q. So U Mass Lowell for air indoor quality?

18 A. It is not indoor air toxic use reduction.

19 Q. Toxic use reduction. Do they have a program  
20 up there for that?

21 A. Yes.

22 Q. What is involved, do you know?

23 A. It is a state agency. They call it Toxic

1 Use Reduction Institute. It is housed in U Mass,  
2 Lowell. Organizationally they have a program to  
3 educate people about reducing toxic use regardless if  
4 it is part of legal requirement or not. It is like  
5 an environmental friendly program. I work with them  
6 and we develop some basically educational material  
7 specifically targeting houses and how if somebody  
8 wants to renovate their house, how they should do it.

9 Q. When you were talking to some of the people  
10 over at the public safety building, what kind of  
11 complaints were they telling you that they had?

12 A. Usually the way I got complaints from there,  
13 their concerns about air quality.

14 Q. What were they telling you about their  
15 symptoms?

16 MR. BUCKLEY: Objection.

17 A. Nobody specifically told me any symptoms.

18 Q. Nobody said they had any symptoms for  
19 anything?

20 A. Nobody specifically said any symptoms.

21 Q. Did you read all the material that was in  
22 this pamphlet?

23 A. I made it.

1 Q. So you read it all?

2 A. Yes.

3 Q. Who did you distribute this pamphlet to?

4 A. It was for residents.

5 Q. Residents of Somerville?

6 A. It was residential.

7 Q. And did you preview this with anybody within  
8 the City of Somerville?

9 A. No. No.

10 Q. So this is something you did on your own.  
11 You didn't get authorization by the mayor or  
12 something?

13 A. Like I said it was project, TURI Toxic Use  
14 Reduction Institute. Basically I just got  
15 authorization from them about the use.

16 Q. In this paragraph right here, maybe you  
17 could just read that. Read it for a minute?

18 A. Many building products contain chemicals  
19 that emit vapors over time. These chemicals commonly  
20 known as volatile organic compounds can impact  
21 health. Short term health impacts consist of tearing  
22 of the eyes, runny nose and throat irritation. The  
23 impact on long-term health can be far more serious

1 and result in reproductive defects of cancer and  
2 chronic respiratory illness such asthma.

3 Q. And in your experience over at the public  
4 safety building, did you hear anybody make any of  
5 those complaints about having any of those things.

6 MR. BUCKLEY: Objection.

7 Q. You can answer, if you know.

8 A. Runny nose, yes. Throat irritation, maybe.  
9 Reproductive defects. I don't know. Cancer, nobody  
10 spoke about it. Specifically that I had cancer.  
11 Chronic respiratory illness such as asthma, I don't  
12 recall anybody saying anything.

13 Q. So you wouldn't know?

14 A. No.

15 Q. You don't recall, but you didn't have any  
16 conversations with anybody?

17 A. No. Runny nose, itchy eyes and other  
18 things.

19 Q. So in other words the volatile organic  
20 compounds aren't good for you.

21 (Discussion held off the record.)

22 Q. If volatile organic compounds were found in  
23 the building, that would not be a good thing?

1 MR. BUCKLEY: Objection. Go ahead  
2 answer.

3 A. It depends on the number and the risk factor  
4 that is defined by DEP or EPA.

5 Q. And if you found VOC and semi volatiles in  
6 the building, that have been there for a long period  
7 of time, would that -- do you know if that would have  
8 any impact on somebody's health. If you know?

9 A. I don't know anything.

10 Q. Number 86?

11 MS. STEPHENS: Could we check the  
12 second page and see if we all have it like this.

13 MR. BUCKLEY: Which document. 86.

14 MS. STEPHENS: Second page needs to be  
15 recopied.

16 MR. WOLMAN: Who ever copied it got it  
17 misfed.

18 Q. What year did you come to work for the city?

19 A. '99. November of '99. November, 1999.

20 Q. And in February of 2001, an indoor air  
21 quality survey by DOS was conducted.

22 A. Yes.

23 Q. Do you recall that?

1 A. Yes.

2 Q. And this is Exhibit 86. And in that report  
3 there were issues of air quality that was raised at  
4 the time?

5 A. Do you want me to read it again.

6 Q. If you need to. Don't read it out loud.  
7 Read it for a few minutes.

8 MR. BUCKLEY: He wants to know did they  
9 raise air quality issues.

10 A. They came to check out the air quality.

11 Q. And what did they find there?

12 A. Can I read it loudly.

13 Q. Read it and then you can give us your own  
14 response.

15 (Pause.)

16 A. All the tests that are mentioned in this  
17 particular report, the letter with carbon dioxide,  
18 carbon monoxide, temperature and humidity, volatile  
19 organic compounds, it doesn't say that it is beyond  
20 any serious consideration. So if I read correctly,  
21 there is no issue with air quality. That's what the  
22 report says.

23 Q. And you basically responded to Mr. Nicotera

1 with this letter dated June 20, Exhibit Number 89?

2 A. Yes.

3 Q. And on the second page of this, it says  
4 water damage materials, it said remove and repair all  
5 water damage materials such as ceiling tiles. All  
6 water damage ceiling tiles replaced in rooms numbered  
7 and so forth. Do you see that in the second item  
8 numbered there?

9 A. Yes.

10 Q. Did that actually happen?

11 A. Yes.

12 Q. Do you recall when we were in the building  
13 in November the ceiling tiles and the water damage  
14 ceiling tiles that we looked at. Are those the same  
15 ceiling tiles that we talked about in those rooms?

16 A. I don't remember. I don't remember the  
17 numbers where we went.

18 Q. We went through the whole building. In  
19 almost every room there were ceiling tiles that were  
20 water stained. Are those the same ceiling tiles that  
21 were water stained?

22 MR. BUCKLEY: Objection.

23 A. I don't remember the ceiling tiles that were

1 stained so I cannot comment on that. I don't  
2 remember 201, 206, 220 if they had ceiling tiles that  
3 show water damage when we went.

4 Q. When was the last time you checked out the  
5 building to see if there were water stained ceiling  
6 tiles?

7 A. I haven't checked.

8 Q. You haven't checked?

9 A. This is again based on buildings and  
10 grounds. Back then the superintendent was different.

11 Q. In that report which was mirrored in the  
12 other report, you told them the same thing in 2004.  
13 They asked you to remove all the water damaged  
14 materials and you told them you did here. And they  
15 came back in 2004 and the same water damaged  
16 materials were there.

17 A. Does it mention the same room numbers. I  
18 don't know.

19 Q. It said all in the building. I assume that  
20 it means every single water stained tile?

21 A. I cannot go by assumption. All I am saying  
22 it says clearly about 201, 206 and 220.

23 Q. Do you know where those rooms are?

1           A. They are second floor.

2           Q. Second floor being when you go into the  
3 building, you go upstairs?

4           A. Room number 107. Academic room, then union  
5 office, cafeteria, locker room then room number 201.  
6 Secretary's office on second floor. Room number 206,  
7 220. We have to go and check it out. I don't  
8 remember off hand.

9           Q. But you reported back then in 2001?

10          A. About those specific rooms?

11          Q. They were all removed?

12          A. Those specific rooms I reported.

13          Q. And item number 3. Determine assessed water  
14 leaks. At present all prevention action are taken  
15 care of, however, real potential source of moisture  
16 leaks is still ongoing. Did you ever take care of  
17 all the moisture come into the building?

18          A. It was notified to buildings and grounds.  
19 They were taking care and based on my discussion with  
20 buildings and grounds and then the DPW commissioner,  
21 I responded to that. This is a comprehensive  
22 response from action taken by various city  
23 departments, relevant city departments.

1 Q. Now you filled out all that, right?

2 A. Yes.

3 Q. And on number 5 it says air circulation and  
4 police station and it says improve air circulation  
5 errors where there are employees for extended period  
6 of time. And your response. Responsible technician  
7 for air circulation has been notified and directed to  
8 take necessary action. A maximum possible air  
9 circulation has been provided to all occupied  
10 portions of the building. Who was responsible  
11 technician for air circulation in this case?

12 A. Charlie Aliano.

13 Q. Is he an engineer with the city?

14 A. I don't know his educational background but  
15 he's the man, the technician.

16 Q. He's an air conditioning technician?

17 A. Yes, for HVAC for all the city buildings.

18 Q. All the buildings in the city?

19 A. He's like a supervisor.

20 Q. Does he do the work himself or does he hire  
21 somebody to come in and do the work?

22 A. I don't know. Part of the answer I can give  
23 you, Honeywell is on contract. So between Honeywell

1 and Charlie Aliano, they do the work.

2 Q. And then on number 6. It said supply air  
3 vent covers in police station. And the  
4 recommendation is to remove the filters from the  
5 exterior vents. And housekeeping should be more  
6 carefully monitored and maintained to reduce the  
7 level of dust indoors. And then the action taken.  
8 An out contracting company, Envirotech performs the  
9 entire work quarterly and hence its already ongoing  
10 activities.

11 Did you monitor Envirotech's work on  
12 that?

13 A. I was not involved or notified. It was done  
14 independently by DPW.

15 Q. And the dust indoors, did you ever check out  
16 to see that dust indoors they were talking about?

17 A. No, I am not expert.

18 Q. Did you hire an expert to come in and take a  
19 look?

20 A. I was not asked.

21 Q. Somebody has to ask you to do that.

22 MR. BUCKLEY: Objection.

23 Q. Somebody has to ask you to do that.

1 MR. BUCKLEY: Objection.

2 A. There are departments responsible for that.

3 Q. Did you have any conversations with anybody  
4 about that?

5 A. About what.

6 Q. About the dust indoors. Did you have a  
7 conversation with Santangelo or Aliano?

8 A. This is old report. I don't remember, but  
9 all my conversations particularly for this report  
10 pertaining to buildings and grounds responsibility  
11 has been with Charlie Aliano for all HVAC system.  
12 And I don't remember right now. Jim Aurelio was  
13 basically the buildings and grounds superintendent at  
14 that time so I must have talked to him.

15 Q. On number 8. Air pressure and control of  
16 odors provide assurance that the police space will be  
17 positively pressured and the fire station garage, the  
18 police garage and police boiler room and fire room  
19 will be negatively pressured.

20 And your actions. Responsible technician  
21 has been notified and then necessary action has been  
22 taken.

23 A. That's correct.

1 Q. Was it taken?

2 A. Yes.

3 Q. So there was a positive pressure to keep the  
4 air from --

5 A. That's what I was told. I am not expert. I  
6 do not know how to test it. But the person who's  
7 responsible told me.

8 Q. So when these recommendations are stated and  
9 you are putting down the actions, we had this  
10 conversation earlier today, who's giving you the  
11 information that this is happening?

12 A. For this particular report. It is by  
13 Charlie Aliano and the HVAC system and with the  
14 buildings and grounds superintendent. The then  
15 buildings and grounds superintendent who was Jim  
16 Aurelio, A-U-R-E-L-I-O. And the DPW commissioner.

17 Q. So Charlie Aliano would be the guy who come  
18 in and do that job setting up the air conditioning  
19 system?

20 A. Yes, he is. And he has office in that  
21 building.

22 Q. The same building you are in?

23 A. 220 Washington Street.

1 Q. He has an office at 220 Washington Street?

2 A. One part of the building. Handling all of  
3 these things.

4 Q. Do you know when he came to work for the  
5 City of Somerville?

6 A. Before me. I don't know when.

7 Q. Do you know when he became the -- what was  
8 his job title?

9 A. I don't know title.

10 Q. They said that number 10. Carbon monoxide  
11 detectors in police garage. Monitors should be  
12 located in areas where police work and at height near  
13 the breeding zone. Action taken. All carbon  
14 monoxide detectors are in place as directed. Are  
15 they in place?

16 A. They are there whenever I saw.

17 Q. When was the last time you checked?

18 A. Back then.

19 Q. Back in 2001?

20 A. Yes.

21 Q. Are they in place now?

22 A. I don't know.

23 Q. Item number 12. Exhaust air ventilation.

1 Assure that all exhaust air ventilation will be  
2 determined and maintained in good working order  
3 during occupancy. It is confirmed -- action taken.  
4 It is confirmed that all exhaust air ventilation are  
5 in good working condition. How did you confirm that?

6 A. Through Charlie Aliano.

7 Q. He told you they were all?

8 A. Yes.

9 Q. You didn't go down and check it yourself?

10 A. I am not expert.

11 Q. You didn't hire an expert to come in to look  
12 to see?

13 A. We had the consultant Honeywell.

14 Q. Honeywell told you it was fine?

15 A. That's right.

16 Q. Do you have a report from Honeywell saying  
17 they were fine?

18 A. I don't have a report. I talked with  
19 Charlie Aliano, Honeywell works with Charlie Aliano  
20 and DPW directly. I am not part of DPW.

21 Q. It says item number 14. Fire station bay  
22 exhaust ventilation. In order to remove exhaust  
23 gases and exhaust tail pipe hookup system

1 installation if possible is suggested. Provide the  
2 protocol procedure and/or latest maintenance  
3 procedures in setting up the CO2 detection system.  
4 Action taken. This information will be provided in  
5 due course. Did you ever get that accomplished at  
6 some point?

7 A. I don't recall about carbon dioxide  
8 detection or anything that you say right now. But  
9 one thing about the maintenance garage, what we,  
10 meaning myself and Bob came up with the point, was  
11 the exhaust system when we inspected, it never used  
12 to be continuously ongoing. And we were not sure  
13 whenever the maintenance is happening, the  
14 maintenance system is on or off. So we asked to keep  
15 it all the time on. I checked it many times  
16 afterwards. It used to be on and as part of our  
17 discussion goes, it should have been addressed the  
18 problem.

19 Q. What do you mean you checked it many times?

20 A. I just went there to confirm the exhaust is  
21 on because it never used to be on.

22 Q. When did you start doing that?

23 A. After our discussion. After this report.

1 Q. When did they install the system?

2 A. There was a system but they used to use only  
3 during basically whenever they used to do maintenance  
4 on the cars, but then we came up with the plan that  
5 we will basically do it all the time. We will  
6 continue to running it all the time.

7 Q. So when is the last time you inspected that?

8 A. I didn't check it recently.

9 Q. When was the last time you checked it?

10 A. Probably last year.

11 Q. Last year is only a month ago?

12 A. Twelve months ago.

13 Q. Twelve months ago?

14 A. One year ago.

15 Q. January of 2006 is the last time you checked  
16 it?

17 A. I don't know. I don't remember.

18 Q. So you are talking about the maintenance  
19 garage, not the fire truck garage?

20 A. No. You said maintenance garage right here.

21 Q. That's we are not talking where the fire  
22 trucks are?

23 A. No. No. Fire truck garage has a different

1 system. I am not talking about that.

2 Q. That's what the question was earlier. Was  
3 about the fire station bay exhaust ventilation?

4 A. I am sorry. I got mixed up.

5 Q. But you don't check the fire bay exhaust  
6 ventilation?

7 A. We installed another system which we  
8 referred.

9 Q. You never went in there and checked it to  
10 see if that was working like you did the maintenance  
11 garage?

12 A. I am not capable of doing that.

13 Q. Why not?

14 A. I am not expert.

15 Q. How come you can do the maintenance garage  
16 but you couldn't do the fire garage.

17 A. It is simple. There is a quietness and  
18 there is an exhaust working. All I have to do is  
19 just go there and check it out if exhaust is working.  
20 Fire department has a different system.

21 Q. Develop an indoor air quality management  
22 plan.

23 A. Okay.

1 Q. This is back in 2001?

2 A. Yes.

3 Q. And it says here comprehensive indoor air  
4 quality plan is under development and will be  
5 provided upon completion. So they asked you to do  
6 the same thing later in 2004, and it was completed by  
7 2004 I take it?

8 A. Afterwards I had discussion and rather than  
9 having comprehensive because one person department  
10 cannot handle this thing. It was not required but it  
11 was one of the guidelines, so we didn't deal up any  
12 comprehensive development plan.

13 Q. It said provide notification to employees  
14 item number 19. Communicating regarding  
15 environmental air quality to employees. Provide  
16 notification to employees regarding steps they can  
17 take to improve indoor air quality. And it says this  
18 work was ongoing. What did you do specifically?

19 A. That time we had basically I went, I had to  
20 go through police chief. I don't recall who was the  
21 police chief at that time if it was McLean or the  
22 chief before that.

23 Q. So what's your answer. You couldn't do it

1 because it had to go through the police chief?

2 A. I went through the police chief.

3 Q. The police chief. And you had this  
4 discussion with the police chief about notifying  
5 employees about that?

6 A. Yes.

7 Q. And what came of that conversation?

8 A. Basically indoor air quality plan, whatever  
9 it is there. Basically it was related with  
10 continuing, making sure that each system is running  
11 correctly. There is a housekeeping and similar other  
12 issues. So we make sure that those things will be  
13 going on.

14 Q. Here we have a letter dated December 27,  
15 2000, Exhibit Number 87, do you recall that.

16 A. I remember this letter but I never got call  
17 from Paul Aboody, A-B-O-O-D-Y. The program manager.

18 Q. And we have here Exhibit Number 88.  
19 March 29 and it says 2001, crossed off 2000. Did you  
20 do that or somebody do that.

21 A. No. I didn't do it. But the good chances  
22 are it should be 2001.

23 Q. Do you recall that letter?

1           A. Let me read it. I remember this letter.

2           Q. Was this letter related to the previous  
3 responses that you gave to the Department of  
4 Occupational Safety?

5           A. No.

6           Q. So this is a separate item?

7           A. This was like a followup visit and either  
8 followup or part of the visit. I don't remember  
9 exactly. By the same inspector Bob Nicotera. That  
10 time he did some testing on the exhaust systems which  
11 is mentioned here. And some of them were not  
12 operating so this was specifically related to this  
13 part.

14          Q. So this is after your response over here  
15 about things are ongoing getting fixed?

16          A. That's correct. Is it not?

17          Q. No it is not. Sorry. We are both confused  
18 on the dates.

19          A. I don't recall the dates. I don't have it  
20 in front of me, so.

21          Q. So this has to do with exhaust units on the  
22 roof?

23          A. They have some. Some of them were not

1 working so director and then completed that work.  
2 But I don't remember which letter is related to  
3 which.

4 Q. So did you hire a contractor to fix these  
5 problems?

6 A. Sorry, Honeywell is the contractor for that.

7 Q. And that would have been Santangelo?

8 A. That time it is from 2001. Again Charlie  
9 Aliano was there, but at the same time the  
10 superintendent was different. Not Santangelo.

11 MR. BUCKLEY: Was which one.

12 A. Jim Aurelio.

13 Q. Number 90. Have you ever seen this.

14 MR. BUCKLEY: If you know.

15 A. This is from 1990.

16 Q. Did you ever see that?

17 A. No. No.

18 Q. This is from July, 1990. I know you weren't  
19 working there at the time.

20 A. They are stapled. They are separate  
21 documents that is what I mean. I don't know.

22 Q. Do you know Paul Upton?

23 A. Yes.

1 Q. Have you had any conversations with him  
2 about the building environment?

3 A. I might have. But I don't remember  
4 specific.

5 MR. WOLMAN: Skipping 91 since we have  
6 already done it. 92.

7 Q. Do you know James Rebiero?

8 A. No. I don't recall him. Is he from the  
9 city.

10 Q. I believe so. Have you seen this exhibit  
11 number 92.

12 A. No. I don't know that name. No. I don't  
13 know him.

14 Q. You hadn't seen that report?

15 A. No.

16 MR. BUCKLEY: What was date on that.

17 MR. D'ANGELO: This is dated  
18 December 13, 1993.

19 Q. Exhibit number 93. This letter is dated  
20 June 24, 1998?

21 A. I don't know about this letter.

22 Q. You don't know anything about it. Have you  
23 never seen it before?

1 A. No. I don't.

2 Q. We are going to exhibit number 95. This is  
3 before your time. 1998. Have you ever seen that  
4 document before?

5 A. No.

6 Q. Now we had discussed earlier the last time,  
7 the first day we did your deposition that files when  
8 you came to work for City of Somerville, you didn't  
9 have any?

10 A. No.

11 Q. And you didn't know if there was some other  
12 person that kept those files?

13 A. Yes.

14 Q. Since that time we had that conversation,  
15 did you go back and look to see if there were any  
16 files anywhere that would be relevant to your job?

17 A. No. I didn't check it out.

18 Q. And the other thing that you told us you  
19 have never had a conversations in a transitional  
20 period of time that she left the job and you took  
21 over?

22 A. No.

23 Q. And the only time you ever saw her was at

1 some kind of conversation?

2 A. Yes.

3 Q. And you never talked to her at that time  
4 about this?

5 A. We just talked as professional, not as  
6 present and past employee of the city.

7 Q. And any of the meetings that you had with  
8 anybody that was working with the city during the  
9 last several years that you have been there since 99?

10 A. November of '99.

11 Q. Did any of these last couple of letters come  
12 up for discussion, the evacuation from the fire  
13 fighters from the public safety building?

14 A. No. I didn't see any record on that. I  
15 know that fire department were evacuated but I never  
16 saw any.

17 Q. I know. But nobody ever had any  
18 conversations about that in your presence?

19 A. No.

20 Q. And Hillary used this recommendation in  
21 support of that evacuation, you didn't see anything  
22 there either?

23 A. I didn't see any. Was she supporting, can

1 you show me.

2 Q. Well they used some of the information from  
3 her letter to justify she was making that decision,  
4 the chief engineer, being the chief of the fire  
5 department.

6 A. She just mention that in the reasons. She  
7 doesn't say anything hazardous.

8 Q. Number 96, July 20, 1998. Have you seen  
9 that report or document or correspondence whatever  
10 you want to call it? It is from the Department of  
11 Occupational Safety?

12 A. That's correct, yes. No, I never saw this  
13 report.

14 Q. So that is two years before you took the  
15 job. Before you were contacted by the department?

16 A. That's correct. Two years before I was very  
17 initially got associated with this one problem.

18 Q. So this particular document, who would have  
19 had that on file. Who would have kept that on file.  
20 Would that be something that your predecessor would  
21 have kept in a file somewhere.

22 MR. BUCKLEY: Hold on a second. Let me  
23 look at everything that is here before you go on.

1           A. This document is addressed to fire  
2 department chief so it should be amongst his files.

3           Q. Would a copy of that be sent over to  
4 Hillary.

5           A. I didn't see the last copy. It does not say  
6 on the copy.

7           Q. I guess I am asking you. There is no  
8 standard operating procedure for your administration  
9 would be different than somebody else's  
10 administration.

11                       MR. BUCKLEY: Objection.

12           A. I don't know.

13           Q. That's what I am saying. You wouldn't know.

14           A. I don't know.

15           Q. When you came to work for the city, were  
16 there some regular employees that worked for the city  
17 or is everybody's job transition over with a new  
18 mayor?

19           A. No.

20           Q. So some of the same people that were in  
21 Dorothy Gay's administration would have been in Mayor  
22 Curtatone's administration?

23           A. I am there.

1 Q. Were you in Gay's administration?

2 A. Yes. I was in Gay's administration.

3 Q. So you were a carry over?

4 A. So there are people like me. There are some  
5 new people.

6 Q. Exhibit number 97. Have you seen that  
7 before?

8 A. No.

9 Q. Do you understand why any of that stuff is  
10 in there?

11 A. Yes.

12 Q. What is it telling you.

13 MR. BUCKLEY: Objection.

14 A. It tells several things. One I think this  
15 work was done on your client's behalf by this  
16 laboratory that was sent to EPA certified testing  
17 lab. They couldn't do testing for volatile organic  
18 compounds. Then it was they try to test it for semi  
19 volatile organic compounds to associate it with  
20 diesel or typical compounds asphalts, oil and grease.  
21 That is second thing.

22 Then it just mentioned that this list of  
23 compound that are delivered from diesel fuel is quite

1 long and they give some names. And it appears that  
2 di n butyl phthalate, P-H-T-H-A-L-A-T-E and di n Octl  
3 phthalate were detected at levels. Several levels of  
4 magnitude above metal detection limit, however it  
5 doesn't say whether it is above the permissible  
6 level. For level of detection, naturally it was  
7 detected but that doesn't mean it clearly doesn't  
8 mention it. So I am not sure who wrote this report  
9 and how they wrote this report. Professionally  
10 talking they should mention if it is what exactly the  
11 significance is.

12 Q. Well here is the lab report. So you can  
13 take a look at the lab report. That is. That is  
14 Exhibit 98. Di n butyl phthalate and di n octl  
15 phthalate.

16 A. Do you want my comment on that.

17 Q. I just wondered if you have seen that  
18 before?

19 A. No.

20 Q. And we are going to mark this one as the  
21 98A.

22 (Letter of January 18, 2007, marked  
23 Exhibit No. 98A for identification.).

1 Q. Have you seen this before?

2 A. Yes.

3 Q. When did you see it?

4 A. Probably last week.

5 Q. Did you have a chance to review it?

6 A. A bit, not much.

7 Q. Did you have a chance to discuss it with  
8 anyone?

9 A. No.

10 Q. Well, in light of the items that were found  
11 in the building, specifically the benzines.

12 A. Yes.

13 Q. The metals?

14 A. Yes.

15 Q. Lead and chromium?

16 A. Yes.

17 Q. Did you make any recommendations to anyone  
18 within the city to follow up to do additional testing  
19 of the building?

20 A. Not right now.

21 Q. Is it your plan to do that?

22 A. We had to discuss it internally.

23 Q. Well is it your plan -- have you had a

1 discussion with anybody about that at this point?

2 A. I am not the final authority.

3 Q. I know you are not the final authority. I  
4 am asking if you had a discussion?

5 A. No. I didn't talk yet.

6 Q. You haven't talked to anybody about this  
7 report yet?

8 A. No.

9 Q. You didn't discuss it with the mayor?

10 A. No.

11 Q. Bradley, the police chief?

12 A. No.

13 Q. No one?

14 A. No.

15 Q. Who gave you this report last week?

16 A. Matt Buckley.

17 Q. Well is there any concern here about these  
18 kinds of things being in the building?

19 A. My concern is that this report doesn't refer  
20 any regulatory guidelines, so I don't know how to  
21 read it.

22 Q. The question is this. In an office building  
23 set up that that is supposed to be, would you

1 normally find these chemicals in metals in that  
2 building?

3 A. Depending on location we can find it.

4 Q. You can find it in this kind of quantities?

5 A. Depending on locations, yes.

6 Q. Where would they come from?

7 A. They can come from external traffic.

8 Q. They can?

9 A. And the type of use of that building over  
10 the long-term.

11 Q. And I go back to the question we asked  
12 before are VOCs bad. Are these kind of things bad  
13 for people?

14 A. VOCs are bad beyond certain limit.

15 Q. What is a certain permissible limit if you  
16 have been exposed since 1990 to?

17 MR. BUCKLEY: Objection.

18 A. I am not expert. You have to hire a risk  
19 assessor to check it out.

20 Q. So you are not qualified to do those kind of  
21 things?

22 A. I go through DEP and EPA guidelines.

23 Q. You are not going to consult anybody

1 regarding doing additional testing of the building at  
2 this point. Monitor the air the way it should be  
3 monitored?

4 A. I don't know that insofar as that.

5 (Mold inspection report, phase 1,  
6 marked Exhibit No. 98B for identification.)

7 Q. Have you seen this report before?

8 A. Yes.

9 Q. Have you had a chance to read it and review  
10 it?

11 A. I did it very quickly right now.

12 Q. When did you get this?

13 A. Through Matt Buckley.

14 Q. When?

15 A. Last week.

16 Q. So you had a chance to review it last week.

17 Did you read it quickly?

18 A. I read it for the information that I want to  
19 see.

20 Q. Did you have a conversation with anybody  
21 within the city administration about this report?

22 A. No, we didn't have a meeting yet on that  
23 issue.

1 Q. You haven't had a meeting yet on that?

2 A. No.

3 Q. My understanding was there was another mold  
4 inspection that was done and that was just the air  
5 sampling?

6 A. Yes.

7 Q. Did anybody do any batch sampling or swab  
8 sampling like they did here of the walls?

9 A. No. That time we didn't do any swab  
10 sampling.

11 Q. Why not?

12 A. According to consultant whatever was  
13 required, we did it.

14 Q. I'm sorry.

15 A. We hired a consultant.

16 Q. Who was the consultant that you hired?

17 A. HUB testing.

18 Q. And they told you didn't need to anything  
19 but air sampling?

20 A. We just wanted to see if there was a mold  
21 and just we wanted to just test particularly academy  
22 room. So basically we had discussion and for generic  
23 information.

1 Q. Generic information. What does that mean.

2 A. In general is there mold in that room. We  
3 had a visual testing and some air testing.

4 MR. WOLMAN: 99.

5 Q. Exhibit 99. It shows floor plans,  
6 schematics. And have you seen any of those  
7 schematics before?

8 A. Hold on one second. I don't have copies of  
9 these schematics. I have seen with your letter and  
10 your inspection.

11 Q. Have you ever seen those particular ones  
12 before?

13 A. Before we met?

14 Q. Today?

15 A. Today.

16 Q. Before today have you ever seen those  
17 particular ones before?

18 A. I don't recall this one or that. One  
19 second. No. No.

20 Q. You know the layout of the building pretty  
21 well by this time?

22 A. Fairly.

23 Q. So you know where all the various rooms are

1 and what's in those rooms?

2 A. Some of them. I cannot claim I know one  
3 hundred percent.

4 Q. Now there has been reports of, you know,  
5 flooding in that building over several years?

6 A. Yes.

7 Q. How many flooding experiences have you been  
8 involved in. That you have witnessed?

9 A. I didn't witness.

10 Q. You didn't go to the building at all when  
11 there was flooding there?

12 A. The major flooding happened in 1997 before I  
13 joined.

14 Q. Any flooding since then?

15 A. Not that I know of because they put some  
16 major pumping system in the basement and again it is  
17 not something my purview which I had to check it out.  
18 So if there was some flooding, I don't know it.

19 MR. BUCKLEY: I think they repaired a  
20 sewer line through Somerville lab right around that  
21 time. It was like a major project. So I think that  
22 alleviated the flooding since then.

23 Q. This is Exhibit Number 100. And I have no

1 idea how many pages are in this.

2 MS. STEPHENS: We are not going to  
3 worry about it.

4 A. 1999. Just before I joined. Okay.

5 Q. Have you seen that report before?

6 A. I have seen this report.

7 Q. Did you ever review it, read it?

8 A. I read it a bit but not in detail. It's a  
9 structural engineering report and I am not some  
10 expert in structural engineering. Most of the  
11 things, visual and structural investigation of the  
12 building and there were certain suggestions made  
13 before I joined. I don't know. I was not involved.

14 Q. Did you have a chance to ever read through  
15 this entire report?

16 A. No.

17 Q. Do you know if there were any other besides  
18 the SGH report that also investigated the structural  
19 integrity of this building among other things. Do  
20 you know any other engineering companies that came  
21 in?

22 A. SGH report I heard about it. I don't think  
23 I have that report with me. I know about this

1 report. But I think, did this report happen before  
2 this report if I remember correctly.

3 Q. Well this report is, I think --

4 A. October, 1999.

5 Q. And the SGH report was April of 1999?

6 A. Okay.

7 Q. Do you have any idea why they did two  
8 reports the same year?

9 A. I was not yet hired, so I don't know.

10 Q. Was there any other reports besides those  
11 two 1999 reports that investigated the structural  
12 part of the building that you know about?

13 A. No.

14 Q. Did you ever hear about any other  
15 investigations of the structure of the building by  
16 any other consulting firms?

17 A. The thing then about what JB Boyle.

18 Q. So that was a third one?

19 A. Yes. But I don't know if they generated any  
20 reports specific or not.

21 MR. BUCKLEY: I think those are just  
22 quotes.

23 Q. So that's it for that.

1                   Exhibit number 101. I believe that is  
2   dated 1985?

3           A. No. I don't know anything about that.

4                   MR. WOLMAN: 102.

5           Q. This is Exhibit 102 release notification and  
6   notification retraction form.

7                   MR. BUCKLEY: What's the date on it.

8           Q. Is that before or after your hired?

9           A. I was hired on 11-1-99. So it is ten months  
10   before.

11          Q. Did you look at any of those reports?

12          A. No. Hold on one second though. There is no  
13   stamp on.

14                   MR. BUCKLEY: But you have never seen  
15   it before?

16          A. I don't know. That's another story.

17          Q. 103 and 104. 103 dated June 28, 2005, from  
18   corporate environmental advisors.

19          A. Okay. That is related to.

20                   MR. BUCKLEY: Let me see what this is.  
21   This is on the Brownfields.

22          A. No, I don't have this report.

23          Q. You don't have that?

1 A. No.

2 Q. And Exhibit 104 same company, Corporate  
3 Environmental Advisors. June 28, 2005.

4 A. See, I don't have a copy for this one. But  
5 it appears to be the same case where the EP had some  
6 noncompliance issues with the city. But Elaine  
7 Middleton was working and that is where it was copied  
8 to her. She was working but then recently I was  
9 involved with them but not this report.

10 Q. So you have Elaine Middleton also working on  
11 this project besides yourself?

12 A. She was working purely on Brownfield  
13 project. Brownfield project programs manager.

14 Q. Who is the supervisor for Elaine, do you  
15 know?

16 A. In 2005, it should be Jim Kostaras.

17 Q. So this company works independent of you in  
18 terms of doing the site assessment?

19 A. More or less, yes. Because the way Mass  
20 Contingency Planning works, under 23E regulation  
21 works, we hired -- we in a sense any owner of the  
22 contaminated site hires a licensed professional and  
23 that licensed professional works on behalf of state.

1 He's the ultimate authority. We just keep signing.

2 Q. So who oversees this. Someone from the  
3 state or somebody from your office and community  
4 development?

5 A. What?

6 Q. Oversees this project? Or do you oversee?

7 A. No. Most of the things are done right now  
8 they are just doing final reporting requirement and  
9 that they will eventually give it to me. But until

10 that time Elaine was directly involved.

11 Q. So you have never seen those notices before?

12 A. No.

13 Q. You wouldn't get copies of them?

14 A. No.

15 Q. Now the other issue in terms of kerosene and  
16 stuff they are talking about comes up through the  
17 ground. Does that ever get to the surface?

18 A. No.

19 Q. Exhibit 105. I guess this is more  
20 Brownfield material. McPhail Associates is another  
21 company involved. This is Exhibit 106. It looks like  
22 the same project. Same company.

23 A. No, it is the same project.

1 Q. Oh, it isn't. What is that project about?

2 A. As I mentioned earlier, 220 Washington  
3 Street has two separate, what they call release  
4 tracking number, RTN from the EP. One set is  
5 associated with Brownfield programs and the other one  
6 was associated with DPW. It is happening even before  
7 I joined. I don't know why. There was capital  
8 programs manager who was -- I have to remember his  
9 name. Who was responsible for this work, and when he  
10 left, then they just started sending me the  
11 information.

12 Q. So how much time a week do you spend on that  
13 particular project?

14 A. Not really.

15 Q. Not really what?

16 A. I don't spend any time right now. I cannot  
17 tell you that one week I spend something. If and  
18 when it is required, I spend the time.

19 Q. It is Middleton? She is the one that  
20 oversees this?

21 A. She was overseeing everything now the  
22 project is almost in conclusion when she left. The  
23 only thing is there are some reporting requirements

1 which CEA is not working. McPhail is not there.

2 Q. 107. Brownfield stuff.

3 (Tier Classification, Tier 2 /extension  
4 and Tier 2 transfer marked Exhibit No. 107A for  
5 identification.)

6 A. I don't know this one.

7 Q. That was 107.

8 A. This I don't know.

9 Q. I kept it separate. 107A.

10 A. These are all letters with part which was  
11 associated with DPW for contaminated site at 220  
12 Washington Street. Whatever there was associated  
13 with strategic planning and Elaine Middleton. The  
14 main contact was Zirpolo Z-I-R-P-O-L-O. Paul. The  
15 main contact was and after he left he was a  
16 construction manager for the city. He just came to  
17 me basically.

18 Q. Did you work at the same time as Zirpolo  
19 worked?

20 A. We had some overlap.

21 Q. When did he leave?

22 A. I don't recall when. But probably he might  
23 have left March, I don't know.

1 Q. March of 2000?

2 A. 2000. I don't know.

3 Q. Really. Do you know why he left?

4 A. No. He joined some other company. That much  
5 I know.

6 Q. In terms of this, I think I have asked this  
7 before. I just want to make sure I understand. That  
8 this Brownfields and underground storage tanks all of  
9 these kerosine and fuel oils that was in there. Is  
10 there any way that stuff got into the building?

11 A. No.

12 Q. Did anybody test to see if they got into the  
13 building?

14 A. Whatever the soil boring test. Those tests  
15 tell what are the levels they are finding in  
16 contaminants. If they find anything that was on the  
17 surface it is legally the responsibility of LSP.  
18 License Site Professionals to notify. And we never  
19 got any notification like that. In addition to that  
20 all the surface that we are talking about bear  
21 surface and so there is no chance to have these  
22 chemicals come in.

23 Q. Do you know what levels before the surface

1 that they found these leaking tanks?

2 A. I don't know. I can find out for you.

3 Q. Is there in any of these reports. Did  
4 anybody ever say it is at ten feet below or four feet  
5 below.

6 A. It is a requirement 21E legal requirement.

7 Q. To find out what level they are at?

8 A. Yes.

9 Q. So it would be in these reports?

10 A. Yes.

11 Q. The other question I would have would be  
12 whether there would be any possibility of this stuff  
13 surfacing when you had the flooding. In other words  
14 when the ground water was saturated and the water got  
15 flooded into the building is there any way that could  
16 happen?

17 A. I don't know if it would happen here. In  
18 general it should not happen. If the surface is  
19 impervious, it should not happen.

20 Q. So the water backup was the water sewage  
21 backup at the time. Came in from the pipes not from  
22 underground water?

23 A. No. It was from sewage backup.

1 Q. Did anybody ever confirm that?

2 A. It happened before I came, so I don't know.

3 Q. You don't think it is in any of the reports  
4 in terms of what the levels are.

5 A. That is what I am looking for. There is one  
6 specific report which I want to tell you. They  
7 continuously talking about ground water testing and  
8 ground water is naturally underground, not on the  
9 surface.

10 Q. So this stuff got into the ground water?

11 A. This is part of ground water. That is the  
12 contamination that is going on.

13 Q. This stuff got into the groundwater?

14 A. Yes. There is some contamination in ground  
15 water.

16 MR. WOLMAN: This is 118.

17 (Report marked Exhibit No. 118 for  
18 identification.)

19 Q. So have you seen this report before?

20 A. Some of them definitely I have to check it  
21 out if anything else is.

22 Q. There are two reports in here?

23 A. There should be two reports. You are right.

1 Q. This is some old report. KOR. Keeper of  
2 the record. Inside here there is a September 18  
3 letter, several pages in. It is addressed to you.  
4 September 18, 2000. Do you remember receiving this?

5 A. Yes.

6 Q. How long have you worked for the city at the  
7 time?

8 A. Ten months. This is the first time I had  
9 interaction with the public safety building.

10 Q. Here. In here there is a discussion on the  
11 second page of that letter to you. It says  
12 discussion, first paragraph?

13 A. Yes.

14 Q. It says here the analysis of the exposure  
15 potential when regular lead ammunition was used  
16 indicates that when the police officers firing from  
17 the two middle firing positions, had lead exposure  
18 that were substantially higher than the officer using  
19 the end firing positions?

20 A. Okay.

21 Q. And it goes on to say here the reason for  
22 the difference between the end and middle position is  
23 not known. Do you remember reading that.

1           A. Yes.

2           Q. Did do you remember going back and having a  
3 discussion with those guys that did those tests?  
4 Mr. Cashins? The certified natural hygienist?

5           A. Basically the decision was to shut down the  
6 firing range. It was opened by that time probably  
7 for one or two months. And one of the idea was to  
8 use lead free bullets that was suggested by police  
9 department, and they contacted me just to check it  
10 out to see if these bullets are okay.

11                   And I just found that they are used in  
12 many other places in many other police departments so  
13 they started testing and just to confirm what was the  
14 situation, we called Cashins and Associates to check  
15 out the air quality with the lead associated with the  
16 firing range and then the mayor took the decision  
17 just to shut down the firing range. So basically  
18 rather than keeping it open and keeping -- finding  
19 what is the reason, we took that decision.

20           Q. And they closed the firing range?

21           A. That's correct.

22           Q. So you didn't do any further investigation  
23 to see if there was any problems with lead in the

1 building?

2 A. That was specifically this particular lead  
3 he tested when cops are fighting using the led  
4 bullets so it was totally associated with the firing.

5 Q. In the next, the third paragraph down. The  
6 results of samples collected throughout the building  
7 indicate that led and copper was not detected in any  
8 of those samples, correct?

9 A. Yes. That was the reason initially we  
10 thought we would keep firing range open but after  
11 observing this issue and potential problems, we  
12 checked it out.

13 Q. I want to draw back your attention back to  
14 Exhibit 98A. Page 3. It says here lead was detected  
15 in ever every sample examined.

16 MR. BUCKLEY: Last paragraph before you  
17 get to summary of toxins.

18 Q. Led was detected in every sample examined.  
19 So between the time that the firing range was closed  
20 down and when this report some seven years later,  
21 they are finding lead all over the building. Any  
22 idea where the led is coming from?

23 A. No.

1 MR. BUCKLEY: Objection.

2 Q. Do you think that would require some further  
3 investigation where the lead is coming from?

4 MR. BUCKLEY: Objection.

5 A. Depending upon again the permissible limits.  
6 I am allowed to check it out permissible limits. If  
7 it is going to be beyond permissible limits, we would  
8 have to check it out.

9 Q. Anything bad about lead?

10 A. Again depends on permissible limits.

11 Q. Is lead something that the body easily  
12 expels?

13 A. Lead is bad for children under six age.

14 Q. Anybody else if you are over age six that  
15 lead could be bad for?

16 A. There less guidelines.

17 Q. So there is no lead in any of the samples  
18 they took throughout the building. And this is dated  
19 September 18, 2000. And our inspection back in  
20 November 8 of 2006, every sample we took in all these  
21 various locations throughout the building found lead  
22 in them?

23 A. It depends on the kind of testing both

1 companies did.

2 Q. Should that lead be there.

3 MR. BUCKLEY: Objection.

4 A. I don't know.

5 Q. Where would lead come from?

6 A. Lead can come from exhausts.

7 Q. Well there is no led in automobile exhaust  
8 anymore, is there?

9 A. I believe there is.

10 Q. There is?

11 A. I think so.

12 Q. How is it. They have eliminated it  
13 completely with the new lead free gas?

14 A. Not from lead gasoline. But some of the  
15 equipment within the -- I am allowed to check it out.  
16 I am not an expert.

17 Q. So the fire trucks -- the fuel they expel  
18 that, right?

19 A. I don't know.

20 Q. You don't know?

21 A. It is purely because of the location of that  
22 building which is Union Square.

23 Q. No, no, we have already established nobody

1 uses lead in anybody's automobiles anymore. That is  
2 established.

3 MR. BUCKLEY: I object to that  
4 assessment.

5 A. I don't know.

6 MR. D'ANGELO: You do.

7 MR. BUCKLEY: Yes.

8 MR. D'ANGELO: Objection noted. Your  
9 objection is noted.

10 MR. BUCKLEY: Well you are not a judge.  
11 Ask a question.

12 MR. D'ANGELO: I am asking a question.

13 MR. BUCKLEY: No, you are not.

14 Q. They don't use lead in fuels for automobiles  
15 anymore. That's a yes or no question.

16 A. Fuel is not the only thing. I am not expert  
17 for auto industry. I cannot say. I am not in  
18 concurrence with your decision.

19 Q. It is not my decision. It is my  
20 observation.

21 A. You said we concluded --

22 Q. There is no lead in any part of the building  
23 back in 2000 when they had a firing range.

1 MS. STEPHENS: Objection. If that is a  
2 question, I object to it.

3 Q. When there was firing range in 2000?

4 A. The firing range was open only for two  
5 months.

6 Q. There wasn't any lead found in the building  
7 that day?

8 MS. STEPHENS: In what they tested.

9 MR. D'ANGELO: They were specifically  
10 testing for lead.

11 MS. STEPHENS: In what they tested.  
12 Whatever areas or how they tested.

13 A. It depends on the type of testing.

14 Q. The results of samples throughout the  
15 buildings.

16 MR. BUCKLEY: How is his answer going  
17 to even be relevant to anything. He has no --

18 MR. D'ANGELO: You are using him in  
19 some other fashion to be relevant.

20 MR. BUCKLEY: I am not using him at  
21 all. If it were up to me, we wouldn't be here.

22 MR. D'ANGELO: Of course not.

23 Q. So getting back to the Cashins report with

1 the lead in it. You were there and you accompanied  
2 them during the time they did the testing.

3 A. Yes.

4 Q. Back in 2000. Do you remember where they  
5 went around the building and tested?

6 A. I don't remember.

7 Q. What kind of testing did they do? Was it a  
8 long term test like a couple of days just a quick  
9 test like we did in our November 8 testing?

10 MR. BUCKLEY: Objection.

11 A. He collected some test samples if I recall  
12 correctly sent them to the testing laboratory. And  
13 whatever the results, those are in the report.

14 Q. Do you know how they collected the samples?

15 A. I don't recall.

16 Q. Was it air samples or swipe testing, wipe  
17 tests?

18 A. I don't remember. I may have to go through  
19 the report again.

20 MR. BUCKLEY: I am done.

21 MS. STEPHENS: I have a couple of  
22 questions.

23 CROSS-EXAMINATION.

1           Q.   (By Ms. Stephens)  
2   my name is Cynthia Stevens.  I represent Envirotech  
3   in this case.  There has been a lot of discussion  
4   about filter medias or filtration removed from some  
5   of the return air covers or elsewhere in the  
6   building.  When did you first become aware that there  
7   were filters on some of the vents in the building?

8           A.  Let me understand correctly.  You mean to  
9   ask after we reported that they were removed and  
10  again when we found it or at the very beginning.

11          Q.  At the very beginning.  The first time you  
12  knew that there were any filters in the building?

13          A.  Basically Envirotech, I was not aware of  
14  their work.  Initially they cleaned all the vents and  
15  everything for a long time.  Once that was done they  
16  put the filters back again.  Again I am expert in  
17  that and I was not involved in that whole process.  
18  The second time or third time actually  --

19          Q.  Hold on right there.  When they put the  
20  filters on the first time, do you know where they put  
21  the filters?

22          A.  No.

23          Q.  Now you are talking about filters that were

1 put on return air covers or vents in the building, is  
2 that the kind of filters that you are talking about?

3 A. The blue filters which are on the return,  
4 right.

5 Q. You are not talking about any filters that  
6 are internally in the HVAC mechanical system?

7 A. That's right.

8 Q. At some point, I believe, Santangelo or  
9 somebody else from the buildings and grounds or the  
10 DPW reported to you that they had been removed?

11 A. That's correct.

12 Q. Was there ever an issue whether they were  
13 being removed and then replaced with a new filter?  
14 The reason why I am asking is I am not sure what the  
15 object of removing means. Were they supposed to be  
16 removed and then replaced with new filters or when  
17 you meant removed totally removed and not replaced  
18 again?

19 A. Totally removed and not replaced again.  
20 That was the object.

21 Q. That was the object. Okay.

22 I have a couple questions about  
23 Honeywell. Do you know when what role Honeywell has

1 place played in this case?

2 A. Honeywell is our contractor in general for  
3 our whole system is from Honeywell so they are always  
4 on our contract to maintain HVAC system and  
5 basically --

6 Q. Let me stop you then. When did they first  
7 become your contractor for the HVAC system?

8 A. I don't know, before I came.

9 Q. Even before you came?

10 A. I don't know.

11 Q. Do you have any contact with anybody at the  
12 Honeywell company?

13 A. I know a person but I don't have -- I mean I  
14 don't contact them for anyone. Because Charlie  
15 Aliano from buildings and grounds is the contact  
16 person. So I don't particularly work with Honeywell.

17 Q. Do you know the names of anybody that  
18 Charlie may contact?

19 A. No. I don't know.

20 MS. STEPHENS: I have no further  
21 questions.

22 MS. GOLDSTEIN: I have a couple of  
23 questions.

1 CROSS-EXAMINATION

2 Q. (By Ms. Goldstein) I am Carly Goldstein,  
3 counsel for SGH. Are you aware of an April 1999  
4 report prepared by Simpson Gumpertz.

5 A. I am aware of that but I never read it.

6 Q. You never read it?

7 A. No.

8 Q. How are you aware of the report?

9 A. Based on several times discussions at  
10 different levels. And in general I am aware of it.

11 Q. Have you ever seen it before?

12 A. No.

13 Q. You haven't.

14 When did you become aware of the  
15 report?

16 A. Probably during one of the visits by  
17 Department of Occupational Safety. I got to know  
18 during the discussions.

19 Q. So do you recall what visit. What DOS  
20 visit?

21 A. DOS visit. That's it.

22 Q. Do you recall what visit by the DOS made you  
23 aware of the report?

1           A. We then going through the various  
2 discussions of what happened and that information.

3           Q. And you said you never saw the report?

4           A. No.

5           Q. Did you ever have any discussions with  
6 anyone at Simpson Gumpertz in relation to --

7           A. Only once I had. After what I said to you.  
8 I don't recall the name of the person. When Nancy  
9 Comeau from DOS visited, she was referring to testing  
10 done at the time of SGH when SG was considered. I  
11 was not finding any information on that. I tried to  
12 find out through city records but I couldn't get  
13 anything. She send me something which was not  
14 substantial, meaning there was no name, no specific  
15 location, no signature nothing. So we were not sure  
16 so that time I contacted one person from SGH, but  
17 often I don't remember the name of that person.

18          Q. Do you recall what the conversation was  
19 about that you had with person from SGH?

20          A. Yes. That was related with basically now  
21 what was told to me that there was some more testing  
22 done, and nobody was showing me the actual reports on  
23 that. And that was not claim whatever thing we were

1 told by police accompanying the whole visit. So I  
2 was just curious what the mold test, what exactly  
3 happened. I just wanted to know more. So that time  
4 I contacted about those tests. But that was really  
5 old time test -- that was an old case, so they didn't  
6 I didn't get any response for it.

7 Q. You didn't get any response from SGH?

8 A. In the response they couldn't find the  
9 information.

10 Q. They didn't have the report?

11 A. Yes.

12 Q. And you couldn't get the report from anybody  
13 at the city?

14 A. No. Only one page as I said but that page  
15 was irrelevant because it has no information about  
16 who did it, what was exactly done. I mean some  
17 printout which doesn't have any documentation  
18 per se.

19 Q. And that was the only conversation you had  
20 with SGH regarding the public safety building?

21 A. Yes. And I think it's happened during Nancy  
22 Comeau probably 2004 or five.

23 MS. GOLDSTEIN: Okay. That's it for

1 me.

2 MR. BUCKLEY: Just briefly.

3 CROSS-EXAMINATION.

4 Q. (By Mr. Buckley) Do you recall your  
5 testimony earlier today when you were being asked at  
6 meetings in the public safety building in August of  
7 '05, do you recall that?

8 A. Yes.

9 Q. Now and your answer being at the time, I  
10 don't recall.

11 A. Yes.

12 Q. Now is it that you don't recall any meeting  
13 there or you just can't distinguish which meeting  
14 occurred on what particular date?

15 A. I couldn't distinguish which meeting  
16 happened on which particular date.

17 Q. So there are meetings you can recall?

18 A. Yes.

19 Q. But when you were asked about a specific  
20 document with a specific date on it, you don't know  
21 or you don't recall what took place for that  
22 particular report?

23 A. That's correct.

1           Q. Okay. But if you were talking meetings in  
2 general, there are recollections you would have about  
3 those meetings.

4           A. Yes.

5                       MR. BUCKLEY: I have nothing further.

6                       MR. D'ANGELO: We are done.

7                       (The deposition concluded at 4:05 p.m.)

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WITNESS CERTIFICATE

I, Vithal Deshpande, the within named deponent have read the transcript of my deposition taken on February 1, 2007, and have listed any corrections to my testimony on an attached errata sheet.

Signed under the pains and penalties of perjury:

\_\_\_\_\_  
VITHAL DESHPANDE

\_\_\_\_\_  
DATE

C E R T I F I C A T E

STATE OF MASSACHUSETTS )  
 ) ss.  
COUNTY OF NORFOLK )

I, CARMEN W. BRANSON, a Shorthand Reporter and Notary Public in and for the County of Norfolk and State of Massachusetts, do hereby certify that:

That the witness in the foregoing deposition was present at the time and place therein state;

That the said proceeding was taken before me as a Notary Public at the said time and place and was taken down in machine shorthand writing by me;

That I am a Court Reporter and Notary Public of the State of Massachusetts, that the said proceeding was thereafter under my direction transcribed into computer-assisted transcription, and that the foregoing transcript constitutes a full, true, and correct report of the proceedings which then and there took place;

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this  
-----,

CARMEN W. BRANSON  
My Commission expires March 6, 2009

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