

WITNESS STATEMENT OF MUTTER, MAYOR JEFFREY J.

Ref: 21RIX1-1408-OF

WITNESS STATEMENT

DATE: August 26, 2021

TIME: [Not Stated]

INTERVIEW OF: Mayor Jeffrey J. Mutter
Town of Cumberland
State of Rhode Island

INTERVIEW BY: Lieutenant Matthew Salisbury
And
Investigator Gerard Ratigan
Rhode Island State Police Financial Crimes Unit
And
Assistant Attorney General John Moreira
Rhode Island Office of the Attorney General

LOCATION: Cumberland Town Hall
45 Broad Street
Cumberland, Rhode Island 02864

SUBJECT: 20RIX1-1408-OF

Q. Today's date is Thursday, August 26, 2021. This is the interview of Mayor Jeffrey Mutter of the Town of Cumberland. This—this is Lieutenant Matthew Salisbury, Badge number 201, with investigator Gerard Ratigan, and Assistant Attorney General John Moreira. So, Mr. Mayor, why don't we discuss the—the meeting that Mr. Silva had requested of you via the property at 45 Canning Street.

A. Okay. Do you just want me to ...?

Q. Yeah. Just whatever your--

A. So, --

Q. -- recollection was of it.

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A. I, I think it was--, So it was March 31st, 2021, I think he reached out for a text to, to meet me for coffee. I don't think there was one that—that—one prior to that, but so he wanted to meet me at—for coffee at Phantom Farms. Which—which I did. You know, he—I've known Tony since I, I was on the council. I got—got elected in 1996; he was the police chief in--, matter of fact, first police chief to get a contract and s--, (chuckles) my first time on the council. So, I've known him since then. He didn't say why he wanted to meet. But in my role as the mayor, and, and he is as the chief of staff, you know, fairly new chief of staff, you know, obviously I'm going to take that meeting. So, I met him at Phantom Farms, and, you know, I thought the meeting was going to be about our roles, respective roles at—in the government. And that was not the case. It was—it was—There was no--, I know there's been some—Because he, until a half-an-hour ago, he was Deputy EMA Director. He's since resigned today. There was no discussion of EMA issues, it was—it was all about 45 Canning Street. He wanted us to remove the objection. He said, 'If I was the mayor and my planning director altered that objection, he wouldn't work for me anymore.' He said—He may have said that twice. And then his name wasn't on the property; he didn't want to sue the Town of Cumberland, he wouldn't—he wouldn't participate in that. But you know, he might have—he may have s--, have someone in the family transfer ownership to someone in the family and have them do it, but he wasn't gonna do it. Now, in and of itself, I was uncomfortable with the meeting because I just—I don't think its appropriate. All right. I'm on the public dime; he's on the public dime; we're not talking about anything here but a personal interest. But I like to say, I, I've—I had nothing but a good relationship with Tony Silva. And so it didn't—it didn't alter my opinion on, on the matter, so, we still objected. So, you know, for me it was kind of like: All right case closed. Until the uh, you know, the, the Providence Journal article

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that said he transferred ownership to his son in April of 2020, when he met with me in March 1st of 2021. And so, the—we h--, we also had communication inside, you know, members of public works and solicitor's office, and there was never a mention of any transfer or purchase and sales in 2020. So, you know, that—that's really where I became captive of I know. I mean. So, you know, he's saying now that there was some concer--, like he had the meeting over some concern for me? I have no idea what concern I would have. I don't have a stake in it. I mean, it was just that simple. Uh (chuckles), you know, the record will show I support—I—He had me write a Letter to the Editor for him in 2005 when he got fired—got removed as chief of police, a political—it was a political thing: the, the new mayor came in. I wrote a Letter to the Editor extolling the virtues of Tony Silva. I've had—never had a problem with Tony Silva, I've always had a high regard for Tony Silva. But, you know, (chuckles) Yeah. And I'm not uh, —It's not like I'm dying to be in this situation, but that's not what happened. He wanted—He wanted it—He wanted the objection removed in a quasi—quasi threat as far as firing, you know, my planning director and uh-- And then yeah, then it was just like: Well, it'll be a legal matter.

1. Q. Did he sugge--, Did he suggest to you that y--, or did you interpret that as he suggested...

A. He said if--, He said--

5. Q. -- you to fire him?

A. -- 'If I was you, --

5. Q. Right.

A. -- and that was my planning director, he wouldn't work for me anymore.'

7. Q. Did he expound on that, expand...?

A. Yeah, he expanded on it. Like uh, I don't know if, even though I've been around for

while, I've managed to be outside some of these dynamics. He ex--, He expounded upon something about my planning director being uh, affiliated with Linc Chafee and that this was some sort of political thing where the Lieutenant Governor in one of the elections that he won, must have beat someone who was close to or must have been, I don't know, part of the Chafee administra--, You know, that—that was pretty much where he was going with that, like it was some sort of—like that's what this was all about, you know. But...

9. Q. So it was re--, He, he was saying it was retribution for something that had already occurred.

A. Well, you know, --

10. Q. Or, --

A. And he was trying to—I think he was trying to give me some, you know, some background as to why he would write the objection. See, I think he just—he saw Jonathan I think as the author of the letter. But it—But it's, it's really about from the—the—all, all the Public Works Department. So, --

10. Q. Who—who is--? Who is your planning director?

A. Jonathan Stevens.

11. Q. Stevens.

A. Yeah.

INVESTIGATOR RATIGAN:

12. Q. Prior to your meeting with Tony Silva that day, had you had any conversations with your planning director about that parcel of land and the objections to it?

A. We objected be--, prior. So, yes.

3. Q. You had f—prior. And were—were the--? What—what were the reasons for the objections

A. Uh, --

4. Q. -- if, if you recall, or--?

A. It was 93 percent wetlands. I can get you the uh, the two letters that—that—that were authored. But, you know, there was—there was like five—five things that were noted. But it's 93 percent wetland. That was the—You know, that's the big—That was—That was the most pressing thing that I remember. But—But—But we had sent this letter in. DEM had—had rejected the permit. We sent the letter. After a public hearing, we sent the letter again, the same—It was basically the same letter.

5. Q. Right.

A. There was no public hearing, and then it got permit.

6. Q. As—as far as not just on this project, but in your role as the mayor, how is that you had knowledge that this letter was going to be sent?

A. The second one?

17. Q. Uh, both—both letters. Is this--? Is--? Was there a—Is there a mechanism that because you're mayor, the planning director would notify you or ask for input?

A. Yeah, I would s--, I would say yes.

18. Q. Okay. And, and--

A. We've probably—We probably have—I wonder if we've ever objected otherwise. I don't know how many objections we've made.

19. Q. Okay.

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A. It may not be a, a, an everyday thing. But.

0. Q. But--

A. [Indiscernible]

1. Q. -- in this particular objection, you were familiar with it --

A. Absolutely.

2. Q. -- and your planning director had I guess, briefed you on the reasons for the objection.

A. He had briefed me on the reasons for the objection.

3. Q. Okay.

A. There had been meetings. I think the, you know, the public records request will show there—there was a meeting in September or October in which there was an attorney who was looking to set up a meeting with me and Public Works to go over the, the project again. So, Tony had called me the year before, you know, during Covid or something, so, about a public hearing. And then I guess it never happened. So, it—it's been an ongoing thing. So, it—it wasn't one that, you know, this was—Like I said, it's—it's been around.

4. Q. Okay. And, and you said Tony had called you a year before.

A. Yep.

5. Q. Was that to advise you of a public hearing that might happen?

A. It was—It was of course associated I guess with the public hearing.

6. Q. Yup.

A. And, and he felt that the town's objection would hold a lot of weight, and he didn't want to go through the cost if, you know, we were going to pretty much, hold our ground.

7. Q. Okay.

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A. But then somehow it—I—It might have just been a Covid-related thing. It never appened or he pulled it back. I don't know.

8. Q. There was never a—He was concerned--, Let me make sure I get this right: He was oncerned that there would be extra costs for him incurred if he had a public hearing.

A. No, he had money--, He had money invested already. And then there must be cost ssoociated with that hearing, which--

9. Q. Yup.

A. -- maybe the applicant pays, --

10. Q. Yup.

A. -- and he didn't want to pay that money when he felt like he was gonna get shot lown pretty much.

11. Q. Okay.

A. So, he was—You know what I mean. Like: I don't want to spend another \$2500 if ...

12. Q. If it's --

A. Yeah.

13. Q. -- gonna be a losing proposition.

A. Exactly.

14. Q. Okay.

A. Yeah.

15. Q. And what is—what was your response to him about that?

A. Well, remember now, this pre-dates the—this was a year before this meeting, --

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6. Q. Yup.

A. -- and, you know, you gotta do what you gotta do.

7. Q. Okay.

A. I don't get involved in uh (chuckles). Like I said: whatever my professional staff

decides. Like you know, if there's some sort of question or whatever the case may be, but if all my professional staff is saying that's the way it is. That's the way it is.

8. Q. Okay. How about—I know now—I think everyone knows now that the neighbors really didn't want this to happen. Did you have any direct contact with neighbors regarding Canning Street?

A. Yes.

9. Q. Okay. And anybody you have a personal relationship with?

A. No.

10. Q. Just constituents.

A. Constituents.

11. Q. Okay. And their concern was basically just it wasn't appropriate because of the wetlands and the--

A. Well, --

12. Q. -- flooding area that's already known to exist [Indiscernible / voices overlapping] ...

A. Why there w--, It, it all started up as why is there no public hearing.

13. Q. Okay.

A. That w—, that was really: We got a chance to object the last time. Why didn't we get a chance to object this time? Right. It, it was—It was clearly about the public hear... I sent a

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letter to DEM requesting wh--, some explanation as to why there wasn't a public hearing, and—and to have them reconsider. And I didn't even get a 'no,' I—I got no response (chuckles). They didn't even say: Thanks, but no, they d--, didn't respond. So, it—it really was just about that. I—You know, Tony advocating for his property though I think is inappropriate on the public time all day long and tomorrow. But whatever. People ask me for, you know, stuff, you know. When you know somebody running a, a place, and they're not in the right zone, I, you know, I'm not gonna—I'm not looking the other way, you know what I—It keeps me out of trouble. So, him doing that. But he's a—he's the one who's escalated it with, and now I feel like my staff is being questioned, like: Well this is what happens when you work in Providence. We've had nothing but a good relationship with Tony Silva. I can demonstrate that easily. I have no ax to grind with Tony Silva. I don't need the problem. But you're not gonna tell the story (chuckles), and, and I'm—I'm—I'm just not gonna—I, I'm gonna be a chump. That's where I'm at with this thing right now is the...

14. Q. Through—throughout all your discussions regarding—you may have had regarding this particular piece of property, did you—were you always under the assumption that Tony Silva was the owner of the property?

A. He told--, He—He wasn't—I don't even know if he was technically the owner. It was under--

15. Q. Yeah.

A. -- a Mooney.

16. Q. Yeah.

A. He was the driving for--, He made no bones about that.

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7. Q. Okay.

A. But, but, but he made no bones about the fact that the—it was Carol Mooney I think
s the name, that there was almost, you know, some cover in that, in that fact that it wasn't his
ame on it.

8. Q. Okay.

A. But he was—Any time we met or any individual that we met with regarding that
property was affiliated with Tony Silva. And I, I don't even know who Carol Mooney is.

9. Q. She lives in Florida. So--

A. I just saw that.

10. Q. --she—she—she never replied, she never – Well, she never—she never advocated for
herself--

A. No.

11. Q. -- or for that piece of property here.

A. Don't know her. Don't--, No, n--, no communication at all. Ever.

A.G. MOREIRA:

12. Q. Mayor, I just want to go back a little bit in time. It looks like the first application to DEM for
his wetlands property was back in the summer of 2018. Does that sound right to you?

A. (No audible response)

13. Q. Okay. Did--?

A. I wasn't—I wasn't here --

14. Q. Okay.

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A. -- then.

5. Q. When did you come in?

A. January of '19.

6. Q. Okay. So then as best you remember, when was the first time you were contacted about this pro--?

A. Nineteen. 2019.

7. Q. Okay.

A. Two thou--, I would have—I would have gotten a phone call. I got—did get a phone call from Tony and it was just—it was about—And you have to remember, I'm . . . I'm in the mayor's seat for what, I don't know, a couple of months. DEM regulations, you know. Like I--

8. Q. Okay.

A. It's not an area of expertise; I don't know the process. All I know is there was a hearing coming up; there was going to be a cost associated with it; we had objected. And, and then poof, it didn't--, Then I didn't hear anything. And then it—then it came back again. You know.

9. Q. At – at this first period of time, were you contacted by Mr. Silva?

A. Just in that. It was just a phone call about that. Yup. There may have been—There was a meeting with somebody from Commonwealth Engineering in Public Works to have to—to talk about, you know, some swale on the side of the property. And then there was—I'm not even sure if he was on a retainer or not, but there was some communication with Scott Partington about setting up a meeting with myself and Tony.

0. Q. This is the 2019 timeframe?

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A. That might have been in '20.

1. Q. Okay.

A. It could have been '19. Yeah, th--,

2. Q. What about the nature of the phone call with Mr. Silva in '19, do you remember much about that?

A. Yup. Like—As I said, that was strictly about the fee. And he didn't—He uh—With the town's objection. My recollection is he said, you know, it's pretty hard to overcome the town's objection in that hearing. And I, I have x-amount of dollars, and I don't want to blow any more money if it's—if it's a foregone conclusion. Those are my—I'm adlibbing here.

3. Q. Okay.

A. That's my recollection of that. So, then he comes--, So, it's just--, So, then it goes away. I'm—I don't know if it's Covid related. It goes away. Then all of a sudden, --

4. Q. Do you--?

A. [Indiscernible]

5. Q. Is there--? Do you recall being denied? Like, DEM denying it--

A. Deny--

6. Q. -- do you remember?

A. They had previously denied it I'm told.

7. Q. Okay.

A. Yeah.

8. Q. So, --

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A. It's on their website or--

9. Q. '19 timeframe...

A. -- something, or there's—I think they got denied in '19.

0. Q. Okay.

A. In the '18 / '19—Yeah, they—it got denied.

1. Q. Because there's ano--, there's the written letter objection from Mr. Stevens in November of '19. So in terms of the timeline, it was...

A. Well I --

'2. Q. -- do you think it's fair that it was probably denied after that?

A. It either was denied after that or it was denied prior to that --

'3. Q. Okay.

A. -- and then it, it came back. But—Yeah, then I don't know.

'4. Q. Okay.

A. I know--, I know it was denied once after a public hearing. Whether or not our--, I mean, I—I have to assume our ob--, our objection was part of that process.

75. Q. Yes. Yeah.

A. Yeah.

DETECTIVE LIEUTENANT SALISBURY:

76. Q. Was—was there another meeting October of 2020 between you, Tony, and his attorney?

A. There was definitely a meeting. And I'm not sure that Tony was there. But there was a meeting with his attorney, and there was definitely—and Commonwealth Engineering. Don't

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now the gentleman's name. There was definitely a meeting. And like uh, and like I said, that was about the drainage pipe or the swale on, on—on the side of the property that was--

7. Q. Right.

A. -- going to... Yeah.

8. Q. That text message that Mr. Silva sent you to meet at Phantom Farms, did you respond to that text message?

A. (pause) I don't think I responded to that, I just... (pause) I have some recollection that—that uh, -- Did he call me first, or? Sss--, (pause) (papers rustling) So, so it doesn't appear that I responded.

9. Q. Mm hmm.

A. So, I must have called him--

10. Q. Okay.

A. -- and said yes.

11. Q. Now if we need it, would you—would you be willing to provide phone records or...?

A. You can take anything [Indiscernible]...

12. Q. Okay. Okay.

A. --anything you want. I mean, obviously we did meet.

13. Q. Right. And you were by yourself with him, there was nobody else to witness the conversation?

A. Right.

14. Q. Okay.

A. But that's—The second text is where: 'Thanks for meeting with me today. I

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discussed the situation with my wife and we're going to allow my son Ross to purchase and develop the lot.'

5. Q. Mm hmm.

A. So if he transferred it in April of 2020, why after the meeting of March 31st, 2021,

does he tell me he's going to transfer the lot to his son? He would have already done it.

6. Q. Mm.

A. Therefore, I won't be connected to it at the time of the sale. Hopefully this makes it

easier for you at town hall. I don't know what you want to infer about that. But whether it's Tony

Silva or Ross, it doesn't matter to me. It could be my brother. But—That's all I'm saying.

7. Q. He--

A. It, it is.

8. Q. Did you—Did you text him after that?

A. No.

9. Q. Okay. A, a phone conversation eluding--

A. No.

10. Q. -- to that text message?

A. No.

11. Q. Okay.

A. I did not. What I did was, I went back to Public Works and said: well—And I don't

want to implicate staff because they're really not like, involved. But I'm like: there's something

here that I'm—that, that there would be—would there be any reason for us to re--, remove the

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objection? No. I don't need to. I mean, I knew what he wanted. It was clear what he wanted. It was the only thing we talked about. And but, you know, you gotta remember, he's the chief of staff for the governor. You know, this is where my quandary—That's why I—before I talked to the press, I'm—is like, just because he's fudging some story that is somewhat—it's implicating me and, and my character, and the character here, there's 37,000 people who I represent, and I don't need the governor's office taking it out on them because they don't like me (chuckles).

12. Q. Right.

A. Even though—I have been—My involvement ties into the governor: he was elected to the council at the same time I was in 19... His—I think it was his second term. So, I go back, way back with these guys. My preference would have been to say it was an improper meeting and call it a day. But you want to say, you, you know, you were giving me—you were doing something for me, you had some concerns for me. Well, you obviously don't have any concerns for me because you wouldn't have dropped me in the pile. So. (pause) And so...

A.G. MOREIRA:

13. Q. And I just want to—Go ahead--

A. [Indiscernible] Yeah. Okay.

14. Q. Yeah, if we can, just back to—I think it's—So there's this prior meeting in October of 2020.

A. Yep.

15. Q. Is that the one where you believe the nature of it was more that Mr. Silva was expressing he doesn't want to spend more money on this project? I'm just—I'm--

A. No. I think in '19, he—he was not going to spend any money. In '20, he was working

n a way to get it—remove the objection. So, all the--

6. Q. Okay.

A. So the meeting started there. Is there--? What can--? I think he's probably talking to public works; he's trying to figure out some way that he can get the objection removed. And--

7. Q. Okay.

A. -- so they come up with there's a--, there is some change in the plans. And as I recall, it's something about a swale. And then they try to tie in that there is a pipe that runs under Canning Street that no one knows how long it's been there or who put it there; there's no basements, there's a pipe there. Oh, and by the way, th--, this pipe isn't in—isn't in the greatest shape. Well, the minute they start to develop this plan, that pipe is gonna disintegrate; it's a 30-year-old pipe or something, right, so now they're gonna do us a favor and fix our drainage pipe. Well, to me it's 93 percent wet. This pipe is running underneath the property. You fix the pipe's got nothing to do with the property because it's underneath the property. So the swale is just take--, it's taking the 93 percent and it's dumping it onto somebody else's property. I can't support that. You know. And I mean, (chuckles)...

8. Q. So, the October 2020 request from him was he wants to get the objection removed, he's

--
A. The whole thing is--

9. Q. Okay.

A. -- fucked up.

10. Q. So, I mean he's asking your help to get the objection removed, is that fair?

A. Yeah, I—he's—I think in—I think in October he's—he's looking for a, you know, a

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legitimate way through engineering or whatever to some—come up with some way in which the objection will be removed. By the time it gets to March 31st, he's probably at the point where: well, it's—that's not gonna work. So then he's asking me and telling me: well... You know, you can read between the lines at that point. And—and then after the meeting at 9:19 at night, he realizes: that's not gonna work. So he says: Okay. Moving on. So, and then we send the objection letter. Then there's no permit. Then there's no answer from DEM (chuckles). And then the council takes action, and you're off to the races. You know. So. And I--, My feeling is, I--, and I don't know, I don't know if any of this is, like—And I didn't think it was criminal, you know. So. But I don't—I don't--, If you guys do what you have to do and then it comes back, I only have like probably 15 minutes to get my side of story out, right. Because if you guys do an investigation and come back that there's no—there's no problem, then it doesn't matter why I have to say anymore. That's done. Right now I have him out there yesterday saying that he was doing it out of concern to me that—that I, I misinterpreted it, and, you know, it's a bunch of you know what. And so I feel some obligation to set that record straight. But if I don't, and it comes back that there's nothing, who's--? No one—no one cares. Well, I don't know if anybody cares now, but—but that—that's—that's what—that's what was the impetus for me reaching out to you. But if you tell me that it's in the best interest to, believe me, I just—I don't want to deal with it anymore. I can't get anything else done. (chuckles) That's all I've done.

DETECTIVE LIEUTENANT SALISBURY:

101. Q. All right. So, --

A. You know.

102. Q. -- you, you—I mean, we're—we're sitting here because there could be a crime that's

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ommitted. Otherwise, we wouldn't get involved. The State Police would not get involved in it. So, my suggestion would be just to let the—You know, it's open and, and active investigation with the Attorney General's Office and the State Police, we have ask you not to speak about the investigation at this time.

A. Okay. That's why I called.

A.G. MOREIRA:

103. Q. Has there been any further communication with Mr. Silva after the March 31st?

A. He called me—He tried to call me over the weekend. I did not--, And then he texted me. I did not respond to either one.

104. Q. Okay. Anything substantive in the texts or anything: just call me, or?

A. You know what I mean, if—I know it's not relevant, but I know these people personally. You know, it---You, you--

105. Q. No, that matters. Yeah.

A. Do you know what--? Yeah. And I mean it's like, I'm not—It's not like I'm trying to hurt him. You know, I, I wish he'd release me to tell you the truth: 'Mayor, please give me a call if you have a minute.' You know. There's no enjoyment in it. But I'm not going to play along. And so I wasn't going to call him because he's not going to be able to say: 'Well, I talked to him,' and now there's another he said / he said thing. So, I wasn't returning the call. And I did not return the call. And I did not return the text either. So, there's been no communication.

106. Q. Any communications that you know—you know of with DEM and the town, or yourself?

A. I sent the letter, you know, and got no response. Jonathan, the planning, I'm sure he has—there's some e-mails as part of the record he sent to Marty Wencek, you know, kinda just getting a heads-up. Because even on their mailing list, not everybody did get it. You know.

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hey—they say that all the re--, There were residents who said they never got the letter even though they're cc'd on the, the letter. We didn't get the—One of the department heads or wh..., didn't get the letter. So he checked with, I think—Yeah, it's Marty—Martin Wencek. Yeah. So. Other than that. I was gonna have a conversation with one of the dudes down there because he told one of the neighbors that: Oh, you—the problem with drainage down there is Cumberland doesn't take care of any of their—their—they don't do anything about their drainage. Some guy named Eric Beck. So, I had j--, I was—I was less than pleased. So, I told Jonathan to schedule me a face-to-face just so I could see the dude. I'm like: Really? Really? Is that what this is about dude? 'Cuz I know what--, You know. You know. I don't need to be Columbo to uh, you know. So. But they, they talked me off the cliff on that one, so. No, I've never had—I've been at DEM, but no, you know, pond permits and things like that. There was no communication with me other than the letter that got no response.

DETECTIVE LIEUTENANT SALISBURY:

107. Q. Okay. Well, what do ... what do you think about a controlled call if he's trying to reach out?

(End of Audio Recording #1)

(Audio Recording #2, continuation)

A. ... Jonathan as the figurehead as the, the, the motivation behind it. And, and in Tony's mind, the motivation was behind it. Something about retri--, political retribution, and that's why he was doing it. I can tell you right now, Jonathan—I wouldn't know who they're even talking about. He never mentioned it to me at all. And so . . . if it's true, I, I, I have, you know, no knowledge of that.

08. Q. Mm.

A. So. But that's—that--, in Tony's mind, he—he—that was definitely in his mind.

That's what he thought.

09. Q. Okay.

A. But I think that's why he suggested that: well, if he was my, you know...

A.G. MOREIRA:

10. Q. I mean, did he give you any incentive for you, like, polling the objection, you know, was there any discussion about that do you know? Like: Hey, I'm the chief of staff, like, anything?

A. I will tell you that I'm amazed that he would—that he would have the meeting. They should know me by now.

11. Q. Yeah.

A. It's not like they don't know me.

112. Q. Mm hmm.

A. They know that there's no way. I don't know what these dudes thought, but there is no way that I was going to go along. No. But, but, you know, like I said w--, to my wife, I, I, I wrestle with the f--, I don't know if this is a—if this—is this—is this a, a personal thing or is this a town thing? Like—like, the—the damage has already been done. They're—they're gonna enact political retribution. It doesn't matter if you come back with nothing on your inves--, it doesn't matter. You know how this game goes, you know, I'm radioactive at this point. And so, that's the—And that's why in my mind I've been nice. I could have been—I've al--, I've turned down multiple radio and TV interviews, because to be honest with you, I don't, you know—they ended up turning the lot—the land back in, right. He—Or giving the—Well, even though we have not

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ad any communication about that, but—but he is gonna give the land. So in effect, the neighbors, it was a successful effort by the neighbors and the council. And so, what are we—what's left to accomplish here but—but the part... And then had he just stopped there, we would not be talking. You know. If he had just said: Hey, you know, I pulled out, and uh, you know, it—whether it's me or my son, it—it was—it was a mistake. You know, I've no in--, I have no—I have no interest, you know, to, to, to cause anybody any harm. It—it's—it's all the stuff after that, you know, that has—that—yeah, that has got me to the point where oh, that's enough for me. And yet—And last night was the tipping point. That was the l--, That was the final straw for me. But no, he never said—That's what I mean, they're—they're—I hear him talking about like: well, it concerns me. He never—He never said--, But, but remember, you know, it's not like I must... I have been around. I know the implication of being in Cumberland with a governor being from Cumberland and Tony Silva being a former police chief, and a, and a political figure, and a well-known and well-liked – the g--, I know the repercussions of, you know, mounting the challenge if you will. So, that—that certainly weighs on—weighs on my mind, you know. But—At this point in time. I would say that was just an excuse for me not—why I haven't said anything yet. (chuckles) And if he just, you know-- If he just copped to it.

113. Q. Yup.

A. [Indiscernible]

114. Q. When the permit was granted, what was your reaction?

A. Honestly?

115. Q. Yeah (chuckles).

A. Yeah, w--, Well, who made the phone call? Who—who—who—who went down and

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Who did the deed? How else could it be? How could you--? How could it be objected? How could he ask me, you know, with the phone call a--, didn't want to spend the money, tells--, basically tells me he's going to, you know, it's going to a--, sue the town. That's not basically, he did tell me that, and then all of a sudden it's approved. All of a sudden. So, yeah. Right. I mean, I'm not a conspiracy theorist, but I mean, if somebody ma--, And like I said, I'm not that naïve. You know. But I don't think you'll ever find it though. But somebody—somebody said (snapping), approve that. Done deal.

16. Q. Did you talk to anybody about that or make any calls about that?

A. Oh, y--, to uh, ...

17. Q. I mean--

A. -- to political people?

18. Q. Well. I don't—I'm, I'm asking, (chuckles), you know.

A. Sure. Sure I did. I was like—At the very heart of it—and you know, like I said, I know

this isn't relevant, but I'm not part of the ruling class in Cumberland. I, I, you know, I don't come from, you know—They—they—they didn't back me. (chuckles) They didn't—Even though I was with them, you know, council president, they, when Dan McKee left, they anointed Bill Murray. They anoint whoever they want. I'm not part of the ruling class. The very heart of my existence is I'm not one of them. And so that's where I am right now. It's like: I walk away from this one, then it might as well be. So. Oh yeah, certainly did I talk to people about it. You're damn right I did. Yeah. I mean, that—that's how it works. This is—this is the epitome of how it works. Had that been m--, Wh--, I have a small business down the street here. DEM made me clean up something—my dad put a pipe in the ground. They—they went five feet in front of, it was

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—which was legal in 1960—something when he built it, went to a, a, a, a, a drain, it went to a septic system or whatever, straight across. They made me dig up, fined me the most they could fine me. It cost \$100,000 to pick up something that didn't leach anywhere. But Tony Silva can make one phone call and turn an unbuildable lot into a, a buildable lot, which what's that worth, \$100, 120K in Cumberland, even if it is a postage-sized stamp [sic]. But that, that's okay. A guy fine me? Fine him. That's bullshit, you can fine him. And then t--, yeah, and jam it right to him. Yeah. After my--, After the, the—He works here. He, he asked to go through the building. I said, 'Yeah, you can go through the building.' When the guy's going through the building to see if the sewerage is going into the storm drain, he sees the, the, the drain in our building. He wasn't here to look at it, he just happened to see it. Now he could have said: Hey, you know, that's not legal anymore, and we could have covered it up, and that would have been the end of it. Oh no. They cite me for that. (clicks) \$100,000 later, and the, and the steepest fine DEM could put, (clicks). But Tony Silva (clicks), *I got a building lot*. Yeah, I talked to people about that.

119. Q. Who did you talk to?

A. Friends, family, uh, you know. You know, former councilors, present councilors.

Anybody that would listen.

120. Q. Anybody that we'll probably be talking to (chuckles) that you talked to?

A. Well. Well, they say that—So the call they say that I made to the governor, right, they'd say that there's this—did they—One of the press asked me if I had talked to the governor. I said, --And, and I did tell the governor, you know, I told the governor the—of what happened at the meeting. So. I mean, he's aware of it. They are good friend--, He's a good friend of mine.

But...

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21. Q. Okay.

A. So.

22. Q. How soon--? How soon after the meeting itself did he tell you that?

A. I did not--, So, I, I didn't tell--, As far as the meeting was concerned, that meeting, though problematic, did not become a big issue to me until he said that he didn't have any--, that he had transferred the land. That's when I knew the blatant f--, fabrication. That's a forgery. Oh--, You find that da--, Yeah, some date, April 20th, . . . and that's a forgery. That's wh--, That's when it got to me because that's when he started to implicate me. Bud, you want to do what you gotta do, I, I'm not naïve, you want to twist somebody's arm at DEM, I, you know, do I think that's the first time it ever happened? I don't think so. But you want to do all that, that's fine. Don't come and tell me—Don't start saying that over here. Because that's what happens. Now there's people, they don't—you know how it goes, they pay as little attention as possible. Somehow: Oh, Mutter's friends with McKee. Oh, Chief Silva. And somehow I'm part of the deal. You know. I don't want—I'm not part of the deal. I'm defending the staff. And I mean, we're not—we have nothing to do with this deal. And uh, so. I mean, yeah, I, I definitely let him know.

123. Q. Did you complain to the governor when the permit was granted?

A. No. I complained--, My interaction became much more active after the Providence Journal article. That's what sent me into orbit.

124. Q. Okay. And that was--

A. It was what, ...

125. Q. -- last week or something.

A. Last week.

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26. Q. Yeah.

A. When I—when I read that I didn't have any financial interests. Yeah, something about--, Yeah. And I was like—Yeah. And I said, 'Well that's a lie.' So that's when . . . And I think that precipitated uh, you know, they knew that I was not thrilled with that. That got around. And then I think in my mind that precipitated the land going back to the town—the land being donated to the town.

27. Q. When did that happen?

A. That happened--, So, the—the—the, the PROJO story came out, the electronic version came out on Thursday. WPRI-12 had some—Tolly Taylor had, it was like: bang, bang. Thursday afternoon it was like: bang, bang. And then on Friday, he transferred the land, or he was—he came out with a letter saying he was giving the land to the town; his family had had 100 years... You know, it was all about ... you know. And then I was like, huh. Do you know what I mean. I think I've gone over that [Indiscernible]. I mean, clearly it was like, I know these—I thought these people were friends, somewhat friends.

128. Q. Who's that? Oh, like...

A. Tony Silva.

129. Q. Tony and you you're saying?

A. Yeah. I—Oh yeah, I, I – When the man—the man came to me: you're—you're—you have a—you're well respected in this town and people think a lot of you, I need—would you write a Letter to the Editor on my, on my behalf? And I did. And—and any time he's asked me, you know, he's a figure: go to this fundraiser, do that. Anytime. You know. And . . . that's what you get for it. You know. And wh--, And because I work at the State House, ...? It's like I say: If

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his was some guy who just walked into town and was a new developer or something, I th--, I, I mean, you know, but it's going on 25 years. Twenty-five years. I've been—And, and they couldn't pick a single time where they ever had a problem with me, you know. So, that [Indiscernible] hat, that—it doesn't count for much anymore.

30. Q. Did you get a heads-up about the land be--, that was going to be transferred? Like, [Indiscernible] ...?

A. No, it was a press release to the press, and I was cc'd on it. I've had no communication from the family, nothing.

31. Q. Okay. I'm just checking.

A. I was informed by our attorney that they were deposing me though on that same Friday that Michael Kelly was deposing me as a, yeah, under oath as a – It seemed somewhat—I—a thinks he's a weapons expert or something. They were turning the heat up. Yeah, they were turning the heat up.

132. Q. I mean, I saw that the town filed a lawsuit.

A. Yes.

133. Q. But there's a rec--, Is that part of that, depositions ...

A. The town filed the—Well, that's what--, So on the Friday--, So, after the story ran on the Thursday, and on the Friday, that's when stuff started to hit the fan. The council had broted (phonetic) – had voted to authorize Marisa Desautel as an attorney to—about the lack of a public hearing.

134. Q. Yeah.

A. We—we, we felt that the plan had changed; that—And like I said, I'm not—I don't

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now anything about DEM regulations. But we felt we had a, a, and th--, this was going to s--, here would be some legal action so they—Because he had—he had applied for the building permit. So, they jumped the gun so that he didn't get the building permit. But he was getting the building permit, and there was a legal action that held that up. And then uh, and then on that Friday, they—they had—The solicitor came up and told me that I had to contact the constable because they wanted to serve me. And then I called the constable and I told him I'll come to you if you want. But I never heard back. It really was simply about we—the public hearing, and then with the attorney we felt that the plan had changed, and it would have to go back to DEM for a, or another permit. And that was the—that was the legal a--, avenue we were taking.

35. Q. Okay. That was back in July though, right?

A. Yeah.

136. Q. Okay.

A. Yeah.

DETECTIVE LIEUTENANT SALISBURY:

137. Q. Do you have Jonathan Stevens' contact information?

A. Yeah.

138. Q. Can you get that...?

A. He's in the building. Sure. Uh, you just—What do you want, his cell number?

139. Q. Please.

A. (pause) [REDACTED]

140. Q. Thank you.

A. Thank you.

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.G. MOREIRA:

41. Q. Anybody else you can think of from the town that dealt with this lot? Was he the--? I mean, the --

A. Yeah.

42. Q. -- person that?

A. Yeah. As far as--, Yeah. I mean, there would have been some involvement with the [unclear], solicitor. But it, it was mostly—They all know everybody. You know. This is—this is Cumberland: he, he knows Kelley Morris- Salvatore, they all know... This, this guy, you know. It's like wa--, It was like my dad used to walk into parts places like he thought he owned the place. That's what happens: they all know each other.

43. Q. [Indiscernible]

A. You know. Of course you talk to them. You know. I mean, jeez, the, the, the motivation behind it...

(end of recorded interview)

STATEMENT TAKEN BY:

WITNESSED BY:
