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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
C.A. NO. 08-04641-B

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JOHNSON GOLF MANAGEMENT, INC.,

Plaintiff

vs

TOWN OF DUXBURY, and NORTH HILL ADVISORY
COMMITTEE, Consisting of MICHAEL DOOLIN,
CHAIRMAN, SCOTT WHITCOMB, ROBERT M. MUSTARD,
JR., MICHAEL MARLBOROUGH, ANTHONY FLOREANO,
MICHAEL T. RUFO, THOMAS K. GARRITY, RICHARD
MANNING, W. JAMES FORD, and GORDON CUSHING
(EX OFFICIO) and CALM GOLF, INC., and
CHARLES LANZETTA,

Defendants
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DEPOSITION OF CHARLES P. LANZETTA, taken
on behalf of the Plaintiff, pursuant to the
applicable provisions of the Massachusetts Rules
of Civil Procedure, before James A. Lyons, CSR
No. 117993, a Registered Diplomat Reporter,
Certified Realtime Reporter and Notary Public in
and for the Commonwealth of Massachusetts, at
the offices of Follansbee & McLeod, LLP, 536
Granite Street, 3rd Floor, Braintree,
Massachusetts, on Wednesday, November 4, 2009,
commencing at 2:10 p.m.

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| <p>1 <u>APPEARANCES:</u></p> <p>2</p> <p>3 Stephen R. Follansbee, Esq. Follansbee & McLeod, LLP 536 Granite Street, 3rd Floor Braintree, Massachusetts 02184 Attorney for the Plaintiff</p> <p>4</p> <p>5</p> <p>6 John J. Geary, Esq. Geary & Associates 161 Summer Street Kingston, Massachusetts 02364 Attorney for the Defendants, CALM Golf, Inc. and Charles Lanzetta</p> <p>7</p> <p>8</p> <p>9</p> <p>10 <u>ALSO PRESENT:</u></p> <p>11 Douglas Johnson Jason Laramie (For Johnson Golf Management, Inc.)</p> <p>12</p> <p>13 Anthony Morosco (For CALM Golf, Inc.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>DEPOSITION OF CHARLES P. LANZETTA</p> | <p>5</p> <p><u>EXAMINATION BY MR. FOLLANSBEE:</u></p> <p>1 Q. Good afternoon, Mr. Lanzetta. Could you please</p> <p>2 give us your name and residential address?</p> <p>3 A. My name is Charles Lanzetta. My residential</p> <p>4 address is 24 Fairways Edge Drive, Marshfield,</p> <p>5 Massachusetts.</p> <p>6 Q. And have you ever been deposed before?</p> <p>7 A. Yes.</p> <p>8 Q. And just so that we're clear, I'm going to show</p> <p>9 you what's been premarked as Exhibit No. 1.</p> <p>10 This is the re-notice of taking your deposition.</p> <p>11 MR. FOLLANSBEE: I'll provide a copy for</p> <p>12 your counsel.</p> <p>13 MR. GEARY: Thank you.</p> <p>14 Q. Have you seen that document before?</p> <p>15 MR. GEARY: We'll stipulate to it.</p> <p>16 MR. FOLLANSBEE: Okay.</p> <p>17 Q. (BY MR. FOLLANSBEE) Sir, with regard to</p> <p>18 Attachment A to the notice of deposition -- and</p> <p>19 I probably should direct this actually more to</p> <p>20 your counsel than with you, but I need to have</p> <p>21 it on the record -- I'm going to show you, there</p> <p>22 is a series of documents that had been provided</p> <p>23 by CALM Golf.</p> <p>24</p> <p>DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p>3</p> <p><u>I N D E X</u></p> <p>1 <u>Deposition of:</u> <u>Page</u></p> <p>2 CHARLES P. LANZETTA</p> <p>3 Examination by Mr. Follansbee 5</p> <p>4</p> <p>5</p> <p>6</p> <p>7 <u>Exhibits</u> <u>Page</u></p> <p>8 No. 1 Re-Notice of Taking Deposition 4 with Exhibit A</p> <p>9 No. 2 Articles of Organization for 11 CALM Golf, Inc.</p> <p>10 No. 3 Town of Duxbury, North Hill 22 Country Club, 2008 First Request for Proposals</p> <p>11 No. 4 CALM Golf's First Proposal 24 to Operate North Hill Country Club</p> <p>12 No. 5 Filled out Price Proposal 71 Sheet</p> <p>13 No. 5A Blank Price Proposal Sheet 72</p> <p>14 No. 6 Town of Duxbury, North Hill 93 Country Club, 2009 Second Request for Proposals</p> <p>15 No. 7 CALM Golf's Proposal to 93 second Request For Proposal</p> <p>16 No. 8 Price Proposal Sheet for 106 January 2009</p> <p>17 No. 9 Memo dated November 4, 109 2009</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>DEPOSITION OF CHARLES P. LANZETTA</p> | <p>6</p> <p>1 And I've numbered them now -- we got a</p> <p>2 supplementation yesterday -- I've numbered them</p> <p>3 up to page 285. And I ask if those are the</p> <p>4 documents that are responsive to the notice of</p> <p>5 deposition?</p> <p>6 MR. GEARY: Why don't we just hop off the</p> <p>7 record for a second. Just give us a quick</p> <p>8 minute to review.</p> <p>9 MR. FOLLANSBEE: Okay.</p> <p>10 (Discussion off the record.)</p> <p>11 MR. FOLLANSBEE: We have had</p> <p>12 communication from Attorney Troy's office</p> <p>13 indicating that the Town of Duxbury would not be</p> <p>14 attending today's deposition.</p> <p>15 Now, we're off, and if you would take a</p> <p>16 look at those.</p> <p>17 MR. GEARY: Sure.</p> <p>18 (Brief recess taken.)</p> <p>19 MR. GEARY: It can be stipulated that</p> <p>20 what was just shown to me -- are you going to</p> <p>21 mark them separate as a package -- which</p> <p>22 included documents that were originally produced</p> <p>23 by CALM Golf through their attorney, John Geary,</p> <p>24 Geary & Associates and also supplemental</p> <p>DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p>4</p> <p><u>P R O C E E D I N G S</u></p> <p>1 MR. FOLLANSBEE: If you could mark that</p> <p>2 as our first exhibit.</p> <p>3</p> <p>4 (Exhibit No. 1, For Identification,</p> <p>5 marked.)</p> <p>6</p> <p>7</p> <p>8 <u>S T I P U L A T I O N S</u></p> <p>9 It was stipulated and agreed by and</p> <p>10 between counsel for the respective parties that</p> <p>11 the witness will read and sign the deposition</p> <p>12 under the penalties of perjury within 30 days of</p> <p>13 receipt of the transcript.</p> <p>14 It was further stipulated and agreed that</p> <p>15 all objections, except as to the form of the</p> <p>16 question, including motions to strike, shall be</p> <p>17 reserved until the time of trial.</p> <p>18</p> <p>19</p> <p>20 CHARLES P. LANZETTA, a witness called on</p> <p>21 behalf of the Plaintiff, first having been</p> <p>22 satisfactorily identified by their Massachusetts</p> <p>23 driver's license, then duly sworn, on oath</p> <p>24 deposes and says as follows:</p> <p>DEPOSITION OF CHARLES P. LANZETTA</p> | <p>7</p> <p>1 documents that were provided by Geary &</p> <p>2 Associates on behalf of CALM Golf.</p> <p>3 Those documents that are contained within</p> <p>4 the package that I just saw, we agree, are</p> <p>5 responsive to Exhibit A, and are the only</p> <p>6 documents that I have in my care, custody or</p> <p>7 control that I know of at the present time that</p> <p>8 are responsive to Exhibit A.</p> <p>9 Okay?</p> <p>10 MR. FOLLANSBEE: That's fine.</p> <p>11 Q. (BY MR. FOLLANSBEE) Now, Mr. Lanzetta, are you</p> <p>12 on any medications that would interfere with</p> <p>13 your ability to testify today?</p> <p>14 A. No.</p> <p>15 Q. And with regard to my questions, sometimes</p> <p>16 they're rather long. If you don't understand a</p> <p>17 question, please indicate that, and I'll try to</p> <p>18 rephrase it. If you answer the question, can we</p> <p>19 agree that you understood it enough to provide</p> <p>20 an answer?</p> <p>21 A. That sounds like a reasonable comment.</p> <p>22 Q. Now, let's start by way of a little bit of</p> <p>23 background. What's your educational background,</p> <p>24 sir?</p> <p>DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p style="text-align: center;">8</p> <p>1 A. My educational background, I have a high school 2 education. I have a college degree, bachelor of 3 arts, from Assumption College in Worcester, 4 Massachusetts graduating in 1968. I have some 5 courses in a master's degree, but I did not 6 complete my master's degree. 7 I am classified as a Master Golf 8 Professional, which is the highest education the 9 PGA of America recognizes as a golf 10 professional. 11 Q. And by way of vocation, I suppose, is a good way 12 to phrase it, you are a golf professional? 13 A. My vocation is a golf professional. 14 Q. And in addition, am I correct that, in addition 15 to your designation as a Master Golf 16 Professional from the PGA, you also perform 17 duties as a rules official for the PGA? 18 A. For 25 years, that is correct. 19 Q. And with regard to your role as a rules 20 official, that includes on-site work at PGA 21 tournaments? 22 A. Yes. A great deal of on-site work at PGA 23 tournaments, especially with the golf course 24 agronomy crews.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">11</p> <p>1 a mix-up between the attorney that handled it, 2 Sean Cotter, the late Sean Cotter, and our 3 accountant, at the time, by the name of Bill 4 Cat -- Bill, I don't know the last name. 5 Q. But looking at this -- what was supposed to 6 happen aside -- what actually happened is the 7 company was incorporated on May 9, 2003, 8 correct? 9 A. According to this piece of paper, yes. 10 Q. And is that your memory as well? 11 A. Yes. 12 MR. FOLLANSBEE: I'd ask that that be 13 marked as the next exhibit, please. 14 (Exhibit No. 2, For Identification, 15 marked.) 16 Q. (BY MR. FOLLANSBEE) Now, with regard to CALM 17 Golf, are you a 50 percent stockholder? 18 A. Yes. 19 Q. And the other 50 percent stockholder would be 20 Mr. Morosco who is here today? 21 A. Yes. 22 Q. Now, when you first decided to for CALM Golf, 23 what kind of work did you expect CALM Golf to be 24 doing?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">9</p> <p>1 Q. And I saw -- and correct me if I'm wrong -- but 2 I thought I saw in one of your proposals that 3 you also served as a rules referee, is that 4 correct? 5 A. That's all being part of the rules committee. 6 Q. And as a referee, you would actually give 7 rulings at professional tournaments? 8 A. That's what a rules official does, sir. 9 Q. And that's what you do, correct? 10 A. I am a rules official. 11 Q. And you understand, in fact, one of the 12 hallmarks of the game of golf would be honesty 13 and integrity on behalf of the players and the 14 rules officials, correct? 15 A. That is correct. 16 Q. So you're familiar with the rules of golf and 17 how they should be applied in a professional 18 tournament setting, correct? 19 A. That is correct. 20 Q. Now, with regard to the entity known as CALM 21 Golf, C-A-L-M, Golf, what is your involvement 22 with CALM Golf? 23 A. I am one of the principals, and I am the clerk 24 of CALM Golf, Inc.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">12</p> <p>1 A. Managing and operating golf courses. 2 Q. And at that time, you were the owner of another 3 company called CP & L, Inc., correct? 4 A. Correct. 5 Q. And do you remember when CP & L, Inc. came into 6 being? 7 A. May 1, 1978. 8 Q. 1978, sir? 9 A. May 1, 1978 in Massachusetts. 10 Q. Now, CP & L ran the Rockland Golf Course, 11 correct? 12 A. Correct. 13 Q. And that's an 18 hole par three course? 14 A. Correct. 15 Q. Now, at some point, as CALM Golf, you and 16 Mr. Morosco decided to bid on the management of 17 the Strawberry Valley Golf Course in Abington, 18 Massachusetts, correct? 19 A. Correct. 20 Q. And the bid on that course or the proposal for 21 that course took place in calendar year 2003, is 22 that correct? 23 A. Yes. 24 Q. Now, do you remember what happened with the bids</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">10</p> <p>1 Q. Now, when you say that you are one of the 2 principals, CALM Golf is a Massachusetts 3 corporation, correct? 4 A. Yes, it is. 5 Q. And it was incorporated in the Commonwealth of 6 Massachusetts by filing Articles of Organization 7 on May 9, 2003, is that correct? 8 A. I believe, that's the case. 9 Q. Well, let me show you that. And I will 10 highlight the date so that we're accurate on 11 that. 12 MR. FOLLANSBEE: And this is, for the 13 record, a reprint of a document from the 14 Commonwealth of Massachusetts, Francis Galvin's 15 office, Secretary of the Commonwealth, 16 Corporations Division. 17 Q. And do you see the portion where I've 18 highlighted as the date of organization in 19 Massachusetts as being May 9, 2003? Does that 20 comport with your memory as to when the company 21 was incorporated in Massachusetts? 22 A. Actually, it was supposed to be in December of 23 2002, because we did pay a tax. We did pay 24 Massachusetts taxes in 2002. There seemed to be</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">13</p> <p>1 at the Strawberry Valley Golf Course in early 2 2003? 3 A. I don't understand that question. 4 Q. Okay. I'll rephrase it. 5 Did you bid for the management of the 6 course on or about February 1 of 2003? 7 A. I'm not sure of the date of the bid, but we did 8 bid at a particular time. 9 Q. By way of background, did you bid the first time 10 it came out and then there was a lawsuit that 11 caused a rebid to happen? 12 A. No. 13 Q. So the first time around that it was bid, you 14 were not involved, correct? 15 A. Correct. 16 Q. And then you became aware that it was going out 17 to bid again, is that correct? 18 A. Correct. 19 Q. And sometime in the April time frame of 2003, 20 CALM Golf bid on the golf course? 21 A. Correct. 22 Q. And that was for what was known as an interim 23 contract, correct? 24 A. Correct.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p>14</p> <p>1 Q. And you actually were successful in gaining the interim contract, am I right?</p> <p>2 A. Correct.</p> <p>3 Q. And as part of that, CALM Golf was the operator of the Strawberry Valley Golf Course from, approximately, May 1st of 2003 until August 31st of 2003, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Now, during that period of time, were you aware that, at the end of that period of time, it was likely to be bid out one more time?</p> <p>6 A. Correct.</p> <p>7 Q. And did you bid that one more time?</p> <p>8 A. Correct.</p> <p>9 Q. And was your bid rejected for failure to provide audited financial statements?</p> <p>10 A. That is correct.</p> <p>11 Q. And that was in the fall of 2003, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Now, when you ran the Strawberry Valley Golf Course as CALM Golf, Inc., did you purchase any equipment to maintain the golf course?</p> <p>14 A. I don't understand. When?</p> <p>15 Q. Pardon me, what don't you understand?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p>17</p> <p>1 its history, is that correct?</p> <p>2 A. The principals have been operating golf courses in the past.</p> <p>3 Q. Okay. Let me make my questions clearer, and it will shorten this considerably. When I ask you if CALM Golf was doing something, I mean CALM Golf as a company, not the individuals. Do you understand that?</p> <p>4 A. No.</p> <p>5 Q. You don't understand that?</p> <p>6 A. No.</p> <p>7 Q. What part of it don't you understand?</p> <p>8 A. I don't understand how individuals don't run a company.</p> <p>9 Q. Okay. Well, let me explain it to you one more time.</p> <p>10 Do you understand that a contract can be entered into between two corporations?</p> <p>11 A. Yes.</p> <p>12 Q. And you've had corporations, both CALM and another corporation, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So you understand the distinction whether the contract is signed by a corporation or by an individual. You understand that, don't you?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p>15</p> <p>1 A. I don't understand the question.</p> <p>2 Q. Okay.</p> <p>3 In May 2003 you, as CALM Golf, began maintaining the Strawberry Valley Golf Course, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Did you have fairway mowers?</p> <p>6 A. Yes.</p> <p>7 Q. Owned by CALM Golf?</p> <p>8 A. Yes.</p> <p>9 Actually, we had mowers that were leased to us by Turf Product Management, and we had equipment that we leased from them. We had golf carts that we leased from Country Club Enterprises. We basically had the necessary equipment used to operate the golf course of a nine hole facility.</p> <p>10 Q. Turf Product Management, can you tell me where that company is located?</p> <p>11 A. Mansfield, Connecticut.</p> <p>12 Q. And did you enter into any contract with Turf Product Management?</p> <p>13 A. It was basically a verbal agreement that we had the equipment for the use of the temporary bid,</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p>18</p> <p>1 individual. You understand that, don't you?</p> <p>2 A. Corporations, you mean the individual represents the corporation?</p> <p>3 Q. No, I don't, sir.</p> <p>4 You understand that there is a distinction between a corporation signing a contract and an individual human being signing a contract.</p> <p>5 You understand that, don't you?</p> <p>6 A. Well, the individual, as president, signs the contract, doesn't he?</p> <p>7 Q. I don't answer questions. I ask them. But let me try it one more time.</p> <p>8 You know that a corporation can enter into a contract, don't you?</p> <p>9 A. Correct.</p> <p>10 Q. And when I ask you if a corporation has entered into a contract to manage a golf course, just for clarity, I'm interested in whether the corporation has signed the contract, not what the individuals have done personally. Do you understand that?</p> <p>11 A. It's through the individuals that the corporation is signed, sir.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p>16</p> <p>1 and if it was to be -- if we were fortunate enough to get the bid, the next bid, we would go into a formal contract with equipment leases.</p> <p>2 Q. So there was nothing in writing at all with Turf Product Management?</p> <p>3 A. Not that I'm aware of, not that I can recall.</p> <p>4 Q. Did you use, in maintaining the golf course at Strawberry Valley in Abington, did CALM Golf use any equipment that came from the Rockland Golf Course?</p> <p>5 A. I can't recall that.</p> <p>6 Q. Is there anything in the documents that you provided that would refresh your memory?</p> <p>7 A. I don't know.</p> <p>8 Q. Subsequent to the time period of May 1, 2003 to August 31st of 2003, did CALM Golf ever manage any other golf course?</p> <p>9 A. No.</p> <p>10 Q. CALM Golf is currently managing the Strawberry Valley Golf Course once again, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And with the exception of that operation, CALM Golf has never managed any other golf course in</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p>19</p> <p>1 Q. It's going to be a long deposition.</p> <p>2 A. No, I mean, I don't understand it.</p> <p>3 Q. Sir, I'm not here to argue with you. I'm just here to get the information.</p> <p>4 At some point, you decided, as CALM Golf, to submit a proposal to the Town of Duxbury for managing the North Hill Country Club, correct?</p> <p>5 A. Correct.</p> <p>6 Q. When did you decide to do that?</p> <p>7 A. In 2009.</p> <p>8 Q. This is 2009, sir.</p> <p>9 So is it 2008 that you decided to do that?</p> <p>10 A. I'm sorry, yes, it was in 2008.</p> <p>11 Q. And at that point, do you know when in 2008 you decided to submit a proposal?</p> <p>12 A. I believe we picked up the RFP. It may have been the 1st of May or so. As soon as the RFPs were out, we picked it up shortly after the time that it was announced. I don't know the exact date.</p> <p>13 Q. How did you become aware that an RFP was out, at that point?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p style="text-align: right;">20</p> <p>1 A. I had heard that the lease was up from the 2 management company, at that time. The ten-year 3 lease was up. 4 Q. When you say you heard from the management 5 company? 6 A. I went to the town office and asked about it, 7 and they said that the lease was going to be -- 8 the last year of the ten-year lease was up in 9 2008. 10 Q. And between August 2003 and mid 2008, did CALM 11 Golf submit proposals for any other golf 12 courses? 13 A. I'm not sure of the date of the George Wright 14 proposal, but we did submit a proposal for the 15 George Wright Golf Course on an RFP. But I 16 don't know if that was within the time frame 17 that you have just talked about. 18 Q. And to whom did you submit the George Wright 19 proposal? 20 A. To the people in Boston, to the -- I don't 21 remember the exact office that it was proposed 22 to. 23 Q. And with the exception of the Strawberry Valley 24 experience in 2003 and the time that you <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> | <p style="text-align: right;">23</p> <p>1 what purports to be a proposal of CALM Golf for 2 the North Hill Country Club. I'd ask you to 3 take a look at that. 4 And other than the fact that the 5 photocopies are in black and white and not in 6 color, is that a copy of the proposal submitted 7 by your company, CALM Golf, Inc.? 8 A. I don't know if this is the same, if this is the 9 answer to the RFP that you just showed me or is 10 this a different one? 11 Q. Well, take a look at it. 12 MR. GEARY: You have to look at it and 13 review it. 14 THE WITNESS: Okay. 15 MR. FOLLANSBEE: We can go off the record 16 while he does that. 17 MR. GEARY: Okay. 18 (Discussion off the record.) 19 Q. (BY MR. FOLLANSBEE) Sir, having had a chance 20 to look at the document in front of you, is 21 that the proposal submitted by CALM Golf to the 22 Town of Duxbury on or about October 23rd of 23 2008? 24 A. Well, I haven't looked at it yet, sir. <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |
| <p style="text-align: right;">21</p> <p>1 submitted a proposal to the City of Boston, 2 were there any other courses that CALM Golf 3 submitted a proposal to manage? 4 A. None that we were interested in, no. 5 Q. So you didn't submit any others? 6 A. None that we were -- no, no, we did not. 7 Q. Okay. 8 Now, with regard to your decision to 9 submit a proposal in Duxbury, I'm going to show 10 you what is commonly referred to as a Request 11 For Proposals? 12 MR. GEARY: Is this the first one? 13 MR. FOLLANSBEE: Yes, it's the first 14 one. 15 Q. And I think if you look at page 2 of the 16 document, it's numbered at the bottom of the 17 page. 18 A. Page 2 or page 1, sir? 19 Q. Well, let's make sure that we have the right 20 one. 21 There is a designation at the bottom of 22 the page in the center, and it says page 2. 23 It's several pages in, and it indicates that 24 the proposals are due on Friday, October 24th, <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> | <p style="text-align: right;">24</p> <p>1 Q. Well, why don't you take a look at it. 2 MR. FOLLANSBEE: And I'll go use the 3 men's room. 4 Does anybody else need a break? 5 MR. GEARY: Sure. We can take a break 6 now. 7 (Recess taken.) 8 MR. FOLLANSBEE: Let's go back on the 9 record now. 10 Q. (BY MR. FOLLANSBEE) Sir, the document that 11 I've given you and that you've had a chance to 12 review now with counsel, am I correct that that 13 is your "nonprice" proposal in response to the 14 RFP issued by the Town of Duxbury, which has 15 been previously marked as Exhibit No. 3? 16 A. Correct. 17 MR. FOLLANSBEE: I'd ask that that be 18 marked as the next exhibit. 19 (Exhibit No. 4, For Identification, 20 marked.) 21 Q. (BY MR. FOLLANSBEE) Mr. Lanzetta, showing you 22 what's been marked as Exhibit No. 4, the 23 original of that document that was submitted to 24 the Town of Duxbury, did you prepare the <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |
| <p style="text-align: right;">22</p> <p>1 at 10:00 a.m.? 2 A. Right here, correct. 3 Q. That's correct. So then we all have the same 4 copy. 5 Now, take a look at that and familiarize 6 yourself with it. And my question is, is this 7 the RFP from the fall of 2008 that you reviewed 8 and submitted a proposal in response to? 9 A. It appears to be, yes. 10 MR. GEARY: Read the whole thing. 11 Q. Have you had a chance to review it, 12 Mr. Lanzetta? 13 A. Yes, sir. 14 Q. And is that what we called the RFP that you 15 submitted a proposal in response to in the fall 16 of 2008? 17 A. Yes. 18 MR. FOLLANSBEE: May that be marked as 19 the next exhibit. 20 (Exhibit No. 3, For Identification, 21 marked.) 22 MR. FOLLANSBEE: Off the record. 23 (Discussion off the record.) 24 Q. (BY MR. FOLLANSBEE) Sir, I am now showing you <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> | <p style="text-align: right;">25</p> <p>1 proposal? 2 A. I prepared part of it. It was a joint proposal 3 between Mr. Morosco and myself. 4 Q. So Mr. Morosco and you physically put the 5 document together? 6 A. Yeah. We physically talked about it and wrote 7 everything up that was on that, yes. 8 Q. Other than Mr. Morosco, did anybody else assist 9 you in preparing the document that's been marked 10 as Exhibit No. 4? 11 A. In preparing this first document, this first 12 RFP? 13 Q. Yes. 14 A. No. 15 Q. Now, the material that's in your proposal and 16 the representations that are in that proposal, 17 you were trying to be truthful and accurate 18 with everything that you put in there, weren't 19 you? 20 A. Correct. 21 Q. Now, with regard to individuals in Duxbury, did 22 you know any of the individuals on the North 23 Hill Advisory Committee -- 24 A. No. <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |

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| <p style="text-align: right;">26</p> <p>1 Q. -- In 2008?</p> <p>2 A. No.</p> <p>3 Q. Now, I'm going to name some names. Just tell me</p> <p>4 whether you know these people.</p> <p>5 Do you know a fellow by the name of</p> <p>6 Michael Doolin?</p> <p>7 A. No.</p> <p>8 Q. Do you know Scott Whitcomb?</p> <p>9 A. Know of him, but don't know him.</p> <p>10 Q. Do you know Robert Mustard, Junior?</p> <p>11 A. No.</p> <p>12 Q. Do you know Michael Marlborough?</p> <p>13 A. No.</p> <p>14 Q. Do you know Anthony Floreano?</p> <p>15 A. No.</p> <p>16 Q. Do you know Michael Rufo?</p> <p>17 A. No.</p> <p>18 Q. Do you know Thomas Garrity?</p> <p>19 A. No.</p> <p>20 Q. Do you know Richard Manning?</p> <p>21 A. No.</p> <p>22 Q. Do you know James Ford?</p> <p>23 A. No.</p> <p>24 Q. Do you know John Madden?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">29</p> <p>1 Q. Now, before you put together Exhibit No. 4, you</p> <p>2 thoroughly familiarized yourself with Exhibit</p> <p>3 No. 3, the Request For Proposals, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you came to an understanding of what was in</p> <p>6 there, correct?</p> <p>7 A. To the best of my ability.</p> <p>8 Q. Now, in Exhibit No. 3, the Town of Duxbury RFP,</p> <p>9 it mentions a statute called Chapter 30B of the</p> <p>10 Massachusetts General Laws.</p> <p>11 Did you ever take an opportunity to look</p> <p>12 at or familiarize yourself with Chapter 30B?</p> <p>13 A. I can't recall.</p> <p>14 Q. Well, I'm going to show you page 5 of the</p> <p>15 Request For Proposals. In bold print, it says,</p> <p>16 "See MGL, Chapter 30B."</p> <p>17 Did you ever look at general laws,</p> <p>18 Chapter 30B, prior to submitting Exhibit No. 4</p> <p>19 to the Town of Duxbury?</p> <p>20 A. I don't recall.</p> <p>21 Q. Is there anything that would help refresh your</p> <p>22 recollection on that subject?</p> <p>23 A. Maybe an explanation.</p> <p>24 Q. Maybe a what?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">27</p> <p>1 A. No.</p> <p>2 Q. Do you know Steve Studley?</p> <p>3 A. No.</p> <p>4 Q. Do you know William Dixon?</p> <p>5 A. No.</p> <p>6 Q. Do you know John Britton?</p> <p>7 A. No.</p> <p>8 Q. Do you know Richard MacDonald?</p> <p>9 A. The only Richard MacDonald I know is the town</p> <p>10 administrator.</p> <p>11 Q. Yes.</p> <p>12 A. I did not know him prior to the first meeting</p> <p>13 that we had, no.</p> <p>14 Q. Oh, so prior to preparing the RFP document --</p> <p>15 (Individual entered the room.)</p> <p>16 MR. FOLLANSBEE: For the record, that's</p> <p>17 Mr. Douglas Johnson from Johnson Golf that just</p> <p>18 came in.</p> <p>19 A. No.</p> <p>20 Q. (BY MR. FOLLANSBEE) You haven't even heard my</p> <p>21 question yet.</p> <p>22 Prior to preparing your proposal, you had</p> <p>23 not met Mr. Richard MacDonald?</p> <p>24 A. Correct.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">30</p> <p>1 A. An explanation of what that means.</p> <p>2 Q. Well, what did you think it meant when you saw</p> <p>3 it?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you remember reading it a year ago when you</p> <p>6 were preparing your bid?</p> <p>7 A. I don't recall reading it, no, I'm not sure,</p> <p>8 no.</p> <p>9 Q. Now, in 2008, CALM Golf was not operating any</p> <p>10 golf courses, was it?</p> <p>11 A. It was not operating any golf courses, at that</p> <p>12 time.</p> <p>13 Q. And although you and Mr. Morosco had extensive</p> <p>14 experience, personally, in golf courses and the</p> <p>15 game of golf, CALM Golf's corporate experience</p> <p>16 was limited to a three-month period, is that</p> <p>17 correct?</p> <p>18 A. I don't understand that question.</p> <p>19 Q. All right. What part of it don't you</p> <p>20 understand?</p> <p>21 A. The operating of golf. Because it was -- CALM</p> <p>22 Golf was involved in 2008 operating as a</p> <p>23 consultant in the inventory control and in the</p> <p>24 golf shop purchases of CP & L, Inc.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">28</p> <p>1 Q. Now, when did you meet Mr. Richard MacDonald?</p> <p>2 A. A day or two after the Town of Abington called</p> <p>3 me and gave me the information that CALM Golf</p> <p>4 Inc. was awarded the -- no, I'm sorry.</p> <p>5 Are we talking about the first one right</p> <p>6 now?</p> <p>7 Q. The first one.</p> <p>8 And just for clarity, you mentioned the</p> <p>9 Town of Abington. We're dealing with the Town</p> <p>10 of Duxbury here.</p> <p>11 A. I'm sorry, it's old age I guess. No, I did not</p> <p>12 meet him at all during this first RFP.</p> <p>13 Q. Did you attend the prebid conference in the</p> <p>14 fall of 2008 at the Duxbury North Hill Country</p> <p>15 Club?</p> <p>16 A. No.</p> <p>17 Q. Did anybody from CALM Golf attend the prebid</p> <p>18 conference?</p> <p>19 A. I don't believe so.</p> <p>20 Q. Did you have -- other than the person in town</p> <p>21 hall who told you that the contract was</p> <p>22 expiring -- did you have any conversations with</p> <p>23 anybody else from the Town of Duxbury?</p> <p>24 A. No.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">31</p> <p>1 Q. CALM Golf was involved?</p> <p>2 A. Correct.</p> <p>3 Q. Can you find me the contract that CALM Golf had</p> <p>4 in the documents that you provided?</p> <p>5 A. It was an oral contract, and it was written --</p> <p>6 Q. It was an oral contract?</p> <p>7 A. And it was written in here --</p> <p>8 There was not a written contract between</p> <p>9 CALM Golf and CP & L, Inc. regarding that. It</p> <p>10 was an oral agreement that CALM Golf would be in</p> <p>11 charge of inventory control and merchandising at</p> <p>12 the golf shop in 2008.</p> <p>13 Q. And on behalf of CALM Golf, who participated in</p> <p>14 making the oral agreement?</p> <p>15 A. Mr. Morosco and myself.</p> <p>16 Q. And who did you make the oral agreement with?</p> <p>17 A. Mr. Morosco and myself.</p> <p>18 Q. So did you just look at each other and say,</p> <p>19 Let's have an oral agreement?</p> <p>20 A. I don't remember that. We had a discussion on</p> <p>21 it.</p> <p>22 Q. Well, who was the other party to the oral</p> <p>23 agreement?</p> <p>24 A. Mr. Morosco and myself. There was no other</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p style="text-align: center;">32</p> <p>1 party. I represented CP & L, and I represented 2 CALM Golf along with Tony. 3 Q. So did you look in the mirror one morning and 4 say, I'm going to create an oral contract 5 between one company and another company? 6 A. No. 7 Q. And how much did CALM Golf receive for 8 compensation from CP & L for doing whatever it 9 did in 2008? 10 A. Approximately, ten percent of all of the 11 invoices that were purchased by CALM Golf. 12 Q. And at that time, CP & L was in bankruptcy, 13 correct? 14 A. Yes. 15 Q. So you had one company in bankruptcy that was 16 leasing the Rockland Golf Course, correct? 17 A. Correct. 18 Q. And it had a pro shop there, correct? 19 A. Correct. 20 Q. And CALM Golf did nothing to manage the golf 21 course, did it? 22 A. No. It was in control of the inventory and 23 merchandising of the golf shop. 24 Q. And why was that? <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> | <p style="text-align: center;">35</p> <p>1 Rockland Golf Course, I guarantee, but it's 2 under doing business as Rockland Golf Course. 3 There are three entities in there that actually 4 have names on accounts. 5 Q. And is that because CP & L was having trouble 6 keeping established accounts because they were 7 in bankruptcy? 8 A. No. Several of these accounts have been in 9 existence for a number of years, since 1978. 10 Q. Now, with regards to the proposal once again -- 11 A. The first proposal, sir? 12 Q. Yes. It's the only one in front of you. It's 13 Exhibit No. 4. 14 That's your proposal, correct? 15 A. Yes, sir. 16 Q. That's the proposal of CALM Golf, correct? 17 A. Yes, sir. 18 Q. It's not the proposal of Charles Lanzetta, is 19 it? 20 A. It's CALM Golf's proposal by the principals, 21 Charlie Lanzetta and Tony Morosco. 22 Q. Sir, who was going to sign the contract, if you 23 were awarded a contract with the Town of 24 Duxbury? Was it going to be you, individually, <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |
| <p style="text-align: center;">33</p> <p>1 A. Because that's what we agreed upon. 2 Q. And I'm asking you, why did you agree to do 3 that? 4 A. Because A, it gives an opportunity for CALM Golf 5 to open up accounts to become active, to show 6 that we are a liable corporation that is looking 7 to go on and to operate and to do other golf 8 courses. 9 Q. Well, to go on and do other pro shops, is that 10 what you mean? You're not saying that CALM Golf 11 was operating a golf course. They were simply 12 helping with inventory for CP & L in the 13 Rockland pro shop? 14 A. And golf course operation. A golf shop is a 15 primary part in golf course operations. Golf 16 services is just as important as golf course 17 operations. 18 Q. How much money did CALM Golf make for whatever 19 it did in 2008? What was the net profit to CALM 20 Golf on this oral contract? 21 A. Approximately, \$3,000. 22 Q. For a whole year's worth of work? 23 A. It wasn't a whole year's worth of work, no. 24 Q. How many months was it? <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> | <p style="text-align: center;">36</p> <p>1 Mr. Morosco, individually, or CALM Golf 2 corporately? Who was signing the contract? 3 A. Charlie Lanzetta, Clerk, Tony Morosco, as 4 president for CALM Golf. 5 Q. And did you understand that that meant that CALM 6 Golf was bound to that contract? 7 A. Yes. 8 Q. And you understand that you, personally, would 9 not be bound to that contract, correct? 10 MR. GEARY: Objection. 11 Answer the question, if you know. 12 MR. FOLLANSBEE: All right -- 13 A. I don't understand the -- 14 MR. FOLLANSBEE: No, please. I want to 15 make a statement right now. 16 I've been at this a long time, as you 17 have, Attorney Geary. And he is not supposed 18 to answer any questions that he doesn't know the 19 answer to. He doesn't need guidance or a kick 20 under the table or your input. 21 MR. GEARY: Whoa, whoa, whoa. 22 MR. FOLLANSBEE: You waived all 23 objections. You are not to instruct him when to 24 answer and how to answer by giving the little <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |
| <p style="text-align: center;">34</p> <p>1 A. Basically, from April until maybe the 1st of 2 January. And then after March 17th, CP & L, 3 Inc. was buying its own merchandise on March 4 17th of 2009. 5 Q. By March 17th of 2009, CP & L was out of 6 bankruptcy, correct? 7 A. Yes. 8 Q. And CP & L then went on and handled its own 9 inventory, correct? 10 A. Not all of it, no. 11 Q. Who handles the inventory there now? 12 A. Who handles the inventory now, in what respect? 13 Q. For CP & L. 14 A. Well, it depends on the accounts. 15 Q. Some accounts are in the name of CP & L. Some 16 accounts are in the name of CALM Golf. Is that 17 what you're saying? 18 A. And some accounts -- and a lot of accounts in 19 the name of Charlie Lanzetta, Rockland Golf 20 Course. 21 Q. So those are personal accounts? 22 A. No. Those are personal accounts at Rockland 23 Golf Course that I guarantee with Rockland Golf 24 Course. Charlie Lanzetta, Golf Professional, <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> | <p style="text-align: center;">37</p> <p>1 clue, "if you know." I'm not going to tolerate 2 it any more. 3 MR. GEARY: Are you done? 4 MR. FOLLANSBEE: That's your one warning. 5 I'm not doing that any more. 6 MR. GEARY: Are you done? 7 MR. FOLLANSBEE: Yes, I am. 8 MR. GEARY: First of all, there was no 9 clue. 10 Secondly, I didn't waive objections as to 11 the form. You asked him a legal question. I 12 objected as to your form. I told him he can 13 answer it, if he knows, all right. That's all I 14 said. There are no clues here, and I resent 15 your attitude. 16 MR. FOLLANSBEE: You can resent it all 17 you want. 18 MR. GEARY: Well, guess what, we can do 19 this easy or we can do it hard. I'm not here to 20 listen to bull -- excuse me, I almost said 21 something that I would regret. I don't need a 22 speech. Ask him the questions. He'll answer 23 them, to the best of his ability. 24 MR. FOLLANSBEE: Well, that's all I'm <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |

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| <p style="text-align: center;">38</p> <p>1 asking.</p> <p>2 MR. GEARY: If you get frustrated with</p> <p>3 him, that's your problem. He is answering the</p> <p>4 questions the best he knows how. And I don't</p> <p>5 want to waste any more money on transcription,</p> <p>6 so can we please proceed?</p> <p>7 MR. FOLLANSBEE: Yes.</p> <p>8 Q. (BY MR. FOLLANSBEE) Who was the proposal by?</p> <p>9 Was it yours, individually, or was it CALM</p> <p>10 Golf?</p> <p>11 A. CALM Golf.</p> <p>12 Q. Now, directing your attention to pages 6, 7 and</p> <p>13 8 of Exhibit No. 3, the RFP issued by the</p> <p>14 town.</p> <p>15 A. 6?</p> <p>16 Q. Pages 6, 7 and 8.</p> <p>17 A. Okay.</p> <p>18 Q. You understood that these were going to be the</p> <p>19 criteria that would be used by the Town of</p> <p>20 Duxbury officials to evaluate the nonprice</p> <p>21 proposal of CALM Golf, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And you understood that CALM Golf was the</p> <p>24 proposer, correct?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">41</p> <p>1 A. Correct.</p> <p>2 Q. And the first category was relevant experience,</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. And directing your attention now to page 4,</p> <p>6 bottom of the page.</p> <p>7 A. Page 4, okay.</p> <p>8 Q. There is a section called Relevant Experience,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you were familiar with this and went over</p> <p>12 all of this before you submitted your proposal,</p> <p>13 didn't you?</p> <p>14 A. I did.</p> <p>15 Q. And you understood from reading the first</p> <p>16 sentence that it was the organization's relevant</p> <p>17 background that the Town of Duxbury was</p> <p>18 interested in, correct?</p> <p>19 A. Where is that, please?</p> <p>20 Q. If you read under Relevant Experience.</p> <p>21 A. Correct.</p> <p>22 Q. Could you read the first sentence?</p> <p>23 A. Yes.</p> <p>24 "Please include a description of your</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">39</p> <p>1 A. Say that again, please.</p> <p>2 Q. You understood that the proposal was coming from</p> <p>3 CALM Golf, the corporation, correct?</p> <p>4 A. Correct.</p> <p>5 Q. So when the word "proposer" is used in these</p> <p>6 criteria, you understood that meant CALM Golf,</p> <p>7 correct?</p> <p>8 A. Well, it's very ambiguous. Because it has</p> <p>9 "proposer" and "his/her firm," which basically</p> <p>10 could conceivably be another firm, and that</p> <p>11 which is something that is very vague in just</p> <p>12 that verbiage right there.</p> <p>13 Q. Did you have difficulty understanding that at</p> <p>14 the time?</p> <p>15 A. Yes.</p> <p>16 Q. And you didn't understand that it was going to</p> <p>17 be CALM Golf doing the proposal. You thought it</p> <p>18 might be you, personally?</p> <p>19 A. Not never me, personally, no. As a principal in</p> <p>20 CALM Golf, I did.</p> <p>21 Q. Now, with regard to any questions that you had</p> <p>22 about this, did you submit any questions to the</p> <p>23 Town of Duxbury asking for explanations about</p> <p>24 the RFP?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">42</p> <p>1 organization's relative background in areas of</p> <p>2 management, administration, operation and</p> <p>3 maintenance of a golf course or comparable</p> <p>4 business enterprises," which we --</p> <p>5 Q. I just asked you to read it, sir.</p> <p>6 And after the words "business</p> <p>7 enterprise," that's the end of the first</p> <p>8 sentence, is that correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And they want to know if, in the next sentence,</p> <p>11 they want to know how many years you've been in</p> <p>12 business under the business name, correct?</p> <p>13 Isn't that what they asked for?</p> <p>14 A. Well, you could say or comparable business</p> <p>15 enterprise, and that could also represent the</p> <p>16 business name, too.</p> <p>17 Q. What did you understand a comparable business</p> <p>18 enterprise to be?</p> <p>19 A. Another golf course, another operation that</p> <p>20 manages golf courses of which one of the</p> <p>21 principals was involved in.</p> <p>22 Q. You're serious with that answer? That's your</p> <p>23 answer?</p> <p>24 A. Yes, sir.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">40</p> <p>1 A. I can't recall.</p> <p>2 Q. But you understood that any questions would have</p> <p>3 to be submitted to them in writing?</p> <p>4 A. Absolutely.</p> <p>5 Q. And didn't you submit some written questions to</p> <p>6 them?</p> <p>7 A. We may have. I can't recall.</p> <p>8 I mean, that's been such a long time ago.</p> <p>9 There were some questions there we may have</p> <p>10 written. I don't know. I would have to see the</p> <p>11 answer back from the town regarding the</p> <p>12 questions so that I could answer your question</p> <p>13 correctly.</p> <p>14 Q. Okay. If you could go back to what's numbered</p> <p>15 page 1 at the bottom of the page.</p> <p>16 A. Page 1, okay. Is that it?</p> <p>17 Q. That's it.</p> <p>18 In the nonprice proposal, about halfway</p> <p>19 down the page, it says, "Proposers are also to</p> <p>20 include a nonprice proposal answering the</p> <p>21 questions."</p> <p>22 A. 1, 2, 3 and 4, correct, sir.</p> <p>23 Q. So you understood that CALM Golf was going to be</p> <p>24 evaluated in four categories, correct?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">43</p> <p>1 Q. Okay.</p> <p>2 Now, with regard to CALM Golf, it</p> <p>3 indicates that they want information on whether</p> <p>4 or not you have ever -- whether CALM Golf has</p> <p>5 ever failed to complete any work awarded,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And CALM Golf had only been awarded one</p> <p>9 contract, right?</p> <p>10 A. A contract that CALM Golf did not fail, that's</p> <p>11 correct.</p> <p>12 Q. The only contract CALM Golf had was the</p> <p>13 four-month contract over in Abington at</p> <p>14 Strawberry Valley, correct?</p> <p>15 A. The contract did not fail, and we did complete</p> <p>16 that contract, to the best of our abilities,</p> <p>17 yes.</p> <p>18 Q. Did you misunderstand my question?</p> <p>19 My question is, the only contract that</p> <p>20 CALM Golf ever had was the contract at</p> <p>21 Strawberry Valley for a four-month period in</p> <p>22 2003, is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Now, directing your attention to the next</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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1 section, Organizational Capability, the Town of
 2 Duxbury wanted to know who your superintendent
 3 was going to be, didn't they?
 4 **A. Yes.**
 5 **Q.** And halfway down the section on organizational
 6 capability, if you could read along with me and
 7 tell me if I'm reading this correctly. You are
 8 instructed -- and it says -- "Specifically be
 9 sure to include the superintendent."
 10 Did I read that correctly?
 11 **A. Those are the words.**
 12 **Q.** Now, let's take a look at the next exhibit,
 13 Exhibit No. 4, your proposal.
 14 **A. Correct.**
 15 **Q.** In your proposal, who did you list as a
 16 superintendent?
 17 **A. Because there was no specific definition of**
 18 **superintendent in organizational capability,**
 19 **whether it be an assistant superintendent or a**
 20 **superintendent itself, we listed Ryan Anderson**
 21 **who was an assistant superintendent that worked**
 22 **as assistant for five years.**
 23 **Q.** Now, please look -- having given that answer --
 24 please find in Exhibit No. 4 and tell me what

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1 page number that CALM Golf named Ryan Anderson
 2 as a superintendent?
 3 **MR. FOLLANSBEE:** We can go off the record
 4 while he looks for that.
 5 (Brief recess taken.)
 6 **A. The answer that I gave you just now was for the**
 7 **RFP number two, sorry for the confusion.**
 8 **The superintendent that we had asked to**
 9 **come on board, due to the fact of job security,**
 10 **asked us, as we presented him to the proposal,**
 11 **to remain unnamed until we got the bid. Since**
 12 **this bid was totally thrown out, I feel this**
 13 **statement is irrelevant. But the answer, the**
 14 **original answer I gave you was for RFP number**
 15 **two.**
 16 **Q.** So in RFP number one, you never named a
 17 superintendent, correct?
 18 **A. No. We did name him.**
 19 **But what we did say was, "CALM Golf, Inc.**
 20 **will provide a superintendent who will meet all**
 21 **the requirements which are stated in Request For**
 22 **Proposal for the 'on-site' golf course**
 23 **superintendent.**
 24 **"CALM Golf, Inc. has a candidate for the**

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1 **position at North Hill Country Club who is**
 2 **currently employed, and CALM Golf will honor**
 3 **his request not to make his name public or**
 4 **resume because it may jeopardize his current**
 5 **position."**
 6 **Q.** So maybe I gave you a confusing question.
 7 In the document that you submitted to
 8 the Town of Duxbury, in October of 2008, you
 9 did not name an on-site superintendent for the
 10 Town of Duxbury, did you?
 11 **A. Correct. And --**
 12 **Q.** That's all.
 13 **A. There was no name, absolutely.**
 14 **Q.** That's all.
 15 If you could keep that document in front
 16 of you. You were aware that, by not naming a
 17 superintendent, that the evaluators would give
 18 you a relatively low grade in several of the
 19 categories, were you not?
 20 **A. No.**
 21 **Q.** In looking at the RFP, had you had an
 22 opportunity to familiarize yourself with how
 23 they were going to evaluate the proposals as
 24 highly advantageous, advantageous, not

DEPOSITION OF CHARLES P. LANZETTA

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1 advantageous, and unacceptable?
 2 **A. Correct, I have.**
 3 **Q.** So you had gone through that category?
 4 **A. Uh-huh.**
 5 **Q.** Now, with regard to the maintenance equipment
 6 and staff -- which can be found at page 7 of the
 7 RFP -- you knew that, to get a "highly
 8 advantageous," your on-site golf course
 9 superintendent needed five years experience,
 10 correct?
 11 **A. That's correct.**
 12 **Q.** And by not naming him, nobody would be able to
 13 determine whether he had the five years
 14 experience, could they?
 15 **A. In our proposal that we put down there, it said**
 16 **that he did have the five years experience.**
 17 **Q.** Who was the person with the five years
 18 experience in your proposal?
 19 **A. I'm not going to say.**
 20 **Q.** You're not going to say right now?
 21 **A. No. Because he had asked that he remain**
 22 **anonymous, and I respect that.**
 23 **Q.** So did you seriously expect that the Town of
 24 Duxbury would give you a rating of highly

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1 advantageous based upon the fact that you
 2 wouldn't even name the guy?
 3 **A. I don't know.**
 4 **Q.** How many years experience did he have?
 5 **A. Five plus.**
 6 **Q.** And what was his experience as?
 7 **A. Assistant golf course superintendent.**
 8 **Q.** So he had never been a head superintendent?
 9 **A. No, he never did.**
 10 **In this RFP, it never says "head**
 11 **superintendent" anywhere written.**
 12 **Superintendent is just superintendent and never**
 13 **the word "head superintendent." If I did, I**
 14 **missed the word "head."**
 15 **Q.** And did he have a certified pesticide
 16 applicator's license?
 17 **A. Yes.**
 18 **Q.** And how would the Town of Duxbury know that from
 19 looking at your bid?
 20 **A. Since the bid wasn't used, since the bids**
 21 **weren't even opened, it doesn't necessarily**
 22 **matter in this instance, sir.**
 23 **Q.** It's your testimony that these bids were never
 24 opened. Is that your testimony, sir?

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1 **A. Well, from what I understand.**
 2 **Q.** Where did you get the understanding that the
 3 October 2008 bids were never opened?
 4 **A. Through legal advice, I believe.**
 5 **MR. GEARY:** Can we have a moment?
 6 **MR. FOLLANSBEE:** Yes.
 7 **MR. GEARY:** Let's go off the record and
 8 come on out here, please.
 9 (Brief recess taken.)
 10 **MR. GEARY:** Just to go back on the
 11 record, without getting into any attorney-client
 12 privilege, I just did consult with my client,
 13 advised him of some things that occurred. And
 14 perhaps, if you were to ask him the question
 15 again, he might have a memory.
 16 **MR. FOLLANSBEE:** I forget what the
 17 question was.
 18 **MR. GEARY:** Your question was, you asked
 19 or he had mentioned that the bids were never
 20 opened, so your questions were irrelevant.
 21 **MR. FOLLANSBEE:** All right.
 22 **Q.** (BY MR. FOLLANSBEE) Now, with regard to the
 23 Duxbury RFP in October of 2008, all of the bids
 24 were opened, correct?

DEPOSITION OF CHARLES P. LANZETTA

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| <p style="text-align: right;">50</p> <p>1 A. Yes.</p> <p>2 Q. And all of the bidders were evaluated, correct?</p> <p>3 A. I believe so.</p> <p>4 Q. And that's the nonprice proposal we're talking</p> <p>5 about, correct, that was evaluated?</p> <p>6 A. I don't know that. I mean, whatever the town</p> <p>7 did is the only thing I know, sir. That's all.</p> <p>8 Q. And what you know is, they did evaluate your</p> <p>9 proposal?</p> <p>10 A. They evaluated all proposals.</p> <p>11 Q. But specifically yours?</p> <p>12 A. Correct.</p> <p>13 Q. And in evaluating your proposal, the town was</p> <p>14 not provided with the name of an on-site</p> <p>15 supervisor, were they?</p> <p>16 A. That's correct.</p> <p>17 Q. And they weren't provided with a resume for an</p> <p>18 on-site supervisor, were they?</p> <p>19 A. Correct.</p> <p>20 Q. An on-site superintendent?</p> <p>21 A. Correct.</p> <p>22 Q. And they didn't know whether your on-site</p> <p>23 superintendent had any experience with a Rain</p> <p>24 Bird Maxi-Paw irrigation system, did they?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">53</p> <p>1 A. At the end of the tax year, that's correct.</p> <p>2 Q. So at the end of the tax year, total assets for</p> <p>3 CALM Golf, 169 bucks, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And the financial statements that preceded</p> <p>6 that -- and those financial statements begin at</p> <p>7 page 78 and continue to page 88 -- those</p> <p>8 financial statements are not audited, correct?</p> <p>9 A. No. They are compilations, I believe.</p> <p>10 Q. And you know the difference between a</p> <p>11 compilation and an audited financial, don't</p> <p>12 you?</p> <p>13 A. I do.</p> <p>14 Q. And these financial statements that you</p> <p>15 provided to the Town of Duxbury are not, they</p> <p>16 are not audited financial statements, are</p> <p>17 they?</p> <p>18 A. No. They are compilations.</p> <p>19 Q. And in fact, your accountant in putting them</p> <p>20 together specifically tells whoever is relying</p> <p>21 on them that he has not audited or reviewed the</p> <p>22 financial statements, correct? That's at page</p> <p>23 84.</p> <p>24 A. That's what it says.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">51</p> <p>1 A. By my first statement, it said that</p> <p>2 superintendent who will meet all requirements</p> <p>3 that are stated in the Request For Proposal for</p> <p>4 the on-site golf course superintendent.</p> <p>5 Q. What does that mean?</p> <p>6 A. It means that anything that was said in the</p> <p>7 proposal that was provided for the town, the</p> <p>8 golf course superintendent would have the</p> <p>9 requirements for what was needed.</p> <p>10 Q. So basically, what they have is your word that</p> <p>11 you're going to hire a good guy, is that</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And they have nothing else. They have no backup</p> <p>15 at all other than your word that you are going</p> <p>16 to give them a good guy, correct?</p> <p>17 A. In this proposal.</p> <p>18 Q. That's right, isn't it?</p> <p>19 A. In this proposal.</p> <p>20 Q. Now, with regard to maintenance equipment, CALM</p> <p>21 Golf, in October of 2008, did not have any</p> <p>22 maintenance equipment whatsoever, did it?</p> <p>23 A. It was all lined up. It did not have anything</p> <p>24 at that particular time, but it was on-line to</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">54</p> <p>1 Q. And you were familiar with the importance of</p> <p>2 audited financial statements for this proposal,</p> <p>3 weren't you?</p> <p>4 A. We were familiarized with the honesty of the</p> <p>5 audited financial statements, yes.</p> <p>6 Q. What do you mean by that?</p> <p>7 A. We put in what we had, that was honest.</p> <p>8 Q. Well, with regard to financial statements, the</p> <p>9 Town of Duxbury at page 8 of their proposal, of</p> <p>10 their RFP, they state that in order to get a</p> <p>11 highly advantageous rating, you'd need to have</p> <p>12 an independent audit done by a certified public</p> <p>13 accountant, am I correct?</p> <p>14 A. That's what it says.</p> <p>15 Q. So you knew you would not get highly</p> <p>16 advantageous in that category, didn't you?</p> <p>17 A. I don't know what they would have done for us.</p> <p>18 I have no idea whether it would have been</p> <p>19 advantageous, highly advantageous, not</p> <p>20 advantageous.</p> <p>21 Q. Well, you knew it wouldn't be highly</p> <p>22 advantageous because you didn't provide audited</p> <p>23 financials, correct?</p> <p>24 A. Right. But it could have been advantageous.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">52</p> <p>1 go if the award was granted to us.</p> <p>2 Q. CALM Golf didn't own anything though, did it?</p> <p>3 A. At that time, no.</p> <p>4 Q. In fact, CALM Golf's total assets, according to</p> <p>5 the financial statements that you provided, were</p> <p>6 minimal, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Now, directing your attention to the financial</p> <p>9 data in your bid, and I believe, specifically,</p> <p>10 directing your attention to page 90 in the lower</p> <p>11 right hand page.</p> <p>12 Are you on that page, sir?</p> <p>13 A. Page 90.</p> <p>14 Q. And that is page 2 of the CALM Golf, Inc.</p> <p>15 corporate income tax return for calendar year</p> <p>16 2007, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And at line 15 on page 90, it indicates that the</p> <p>19 total assets of CALM Golf, Inc. as of the 2007</p> <p>20 tax return was \$169, correct?</p> <p>21 A. We've got two numbers there. 1,337, total</p> <p>22 assets, B.</p> <p>23 Q. Well, that's at the beginning of the tax year.</p> <p>24 I'm talking about at the end of tax year.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">55</p> <p>1 Q. It could have been advantageous? Well, did you</p> <p>2 provide three years worth of financial</p> <p>3 statements?</p> <p>4 A. Yes.</p> <p>5 Q. And the three years included a balance sheet and</p> <p>6 an income statement?</p> <p>7 A. I believe that's all there.</p> <p>8 Q. Well, let's go back to your proposal then, and</p> <p>9 maybe you can show me the financial statements,</p> <p>10 other than those beginning on page 78.</p> <p>11 There is a financial statement for</p> <p>12 calendar year 2005, correct?</p> <p>13 A. Just give me a minute, please.</p> <p>14 MR. GEARY: I have it at 79, Steve, I</p> <p>15 think, am I right, or are you talking about the</p> <p>16 letter?</p> <p>17 MR. FOLLANSBEE: Yes, the letter.</p> <p>18 MR. GEARY: Sorry.</p> <p>19 THE WITNESS: What page are you?</p> <p>20 MR. FOLLANSBEE: Page 78 is his cover</p> <p>21 letter.</p> <p>22 MR. GEARY: Page 78 is the cover</p> <p>23 letter.</p> <p>24 THE WITNESS: I've got it all</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p>1 discombobulated here. I'll put it back 2 together. 3 MR. GEARY: Relax. 4 THE WITNESS: I'm relaxed. It's here 5 somewhere. 6 MR. GEARY: Can you read this? Right 7 there, can you read that, please? 8 A. The 2006, page 78. 9 Q. (BY MR. FOLLANSBEE) Page 78 is the cover letter 10 from your CPA? 11 A. Camarano. 12 Q. And he says that he is attaching the financial 13 statement for calendar year 2005, correct? 14 A. Correct. 15 Q. And then you've got a few pages ending on page 16 83, and those are the financials for 2005, 17 correct? 18 A. Yes. That's what we had, and that's what was 19 turned into the town. 20 Q. And then beginning on page 84, you have the 21 cover letter and the financials for calendar 22 year 2006, correct? 23 A. Correct. 24 Q. And those are the only financial statements DEPOSITION OF CHARLES P. LANZETTA</p> | <p>1 you want. 2 MR. GEARY: That's all right. This is 3 fine. Just one second, please. 4 MR. FOLLANSBEE: We'll give you a clip to 5 hold it all together. 6 (Discussion off the record.) 7 Q. (BY MR. FOLLANSBEE) Directing your attention, I 8 think I said it was beginning on page 71. 9 A. Yes. 10 Q. You list a bunch of equipment. But none of this 11 equipment was owned by CALM Golf, was it? 12 A. No. This is the equipment that would have been 13 ready to go on-site if RFP number one was going 14 to be granted by the Town of Duxbury to CALM 15 Golf. 16 Q. So you would have had to buy that equipment or 17 lease it, correct? 18 A. Yes. 19 Q. Now, looking back at the beginning of your 20 proposal, let's look at page 7 of your proposal. 21 And there you're talking about previous 22 contracts awarded to CALM Golf? 23 A. Yes. 24 Q. And you indicate the May 1, 2003 to August 31, DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p>1 provided, correct? 2 A. What we did was, we had everything with the 3 balance sheet for '07 and '08 was under the 4 accountant Bob Kelly, and we just did the tax 5 return. 6 Q. All I'm saying is, what was provided to the 7 Town of Duxbury were financial statements for 8 2005 and 2006 but no financials for 2007 or 9 2008, correct? 10 A. '07 and '08, the balance sheet and the tax 11 returns. 12 Q. Well, sir, the financial statements from the 13 accounting firm cover 2005 and 2006, am I 14 correct? 15 A. We had two different accountants though. 16 They're not the same. 17 Q. Well, I appreciate that. I'm asking what was 18 given to the Town of Duxbury. 19 The Town of Duxbury received from you 20 financial statements from 2005 and 2006, 21 correct? 22 A. Correct. 23 Q. They did not receive a financial statement for 24 2007. Instead, you provided two pages of a tax DEPOSITION OF CHARLES P. LANZETTA</p> | <p>1 2003 Town of Abington, Strawberry Valley Golf 2 Course, correct? 3 A. Correct. 4 Q. That's contract number one? 5 A. That's correct. 6 Q. And contract number two is the contract between 7 you and yourself to do managing of inventory 8 over at Rockland, correct? 9 A. Well, me with CP & L, Inc. and Mr. Morosco and 10 myself at CALM Golf. 11 Q. And you described that as a contract that was 12 awarded to CALM Golf, correct? 13 A. Well -- 14 Q. That's what it says at the top of the page, 15 correct? 16 A. Actually, previous contracts awarded to CALM 17 Golf was Strawberry Valley. Present managing 18 contract, working agreement, which is a 19 different thing, regarded the managing of 20 inventory control and merchandise. And there 21 are two separate statements there, each having 22 their own entity. 23 Q. All right. Let's go back to the top of the 24 page. Let's deal with simple English, okay. DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p>1 return? 2 A. And balance sheet. The second page was the 3 balance sheet. 4 Q. Well, there were two pages. The first is page 1 5 of a corporate income tax return and page 2 is 6 Schedule L, correct? 7 A. According to my accountant, that Schedule L 8 would be the same as a balance sheet, sir. 9 Q. So there was no income statement, was there? 10 A. I guess there wasn't. 11 Q. And there was no profit and loss statement, was 12 there? 13 A. For RFP proposal number one, it does not appear 14 there. 15 Q. So with regard to the equipment that was owned 16 by -- 17 Well, there was no equipment owned by 18 CALM Golf, was there? 19 A. At that time, no. 20 Q. And beginning on page 71 of your proposal -- 21 MR. GEARY: Sorry, if you would just 22 give me one minute, I'll have this back 23 together. 24 MR. FOLLANSBEE: I have another copy, if DEPOSITION OF CHARLES P. LANZETTA</p> | <p>1 It says Previous Contracts, not one, 2 Previous Contracts, plural, awarded to CALM 3 Golf. Were you intending that the reader of 4 this document think that you were awarded two 5 contracts or more? 6 A. I believe the answer -- 7 The way the question was answered was 8 because of the way the RFP presented it. And I 9 believe the word "contracts" was in there, and 10 we just took the word "contracts" as such. So 11 if that would be the case, it was a mis -- the 12 word "contracts" should have been just "S" there 13 and not contract, not the S. 14 And the other one was the present 15 managing contract, which is a single thing, 16 which was the working agreement between CP & L, 17 Inc. and CALM Golf. So that could have been a 18 typo on our part. 19 Q. Typo, okay. Page 7 is a typo, all right. 20 Now, let's stay on the contract with 21 Strawberry Valley. You indicate that the 22 contact person is a Mr. Joseph Cavanaugh and you 23 give a telephone number. 24 Who was Mr. Cavanaugh? DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p style="text-align: center;">62</p> <p>1 A. He was the only remaining person on the 2 Strawberry Valley Golf Commission at the time 3 that we were putting the RFP in for the bid 4 that could give a recommendation for the job 5 that was done at May 1, 2003 to August 31, 6 2003.</p> <p>7 All of the rest of the committee people 8 that we had dealt with from May through August 9 31st were no longer on the committee. So 10 therefore, he was the only existing committee 11 person that would have an idea in the Town of 12 Abington, from the commission, that could give 13 the Town of Duxbury a reference.</p> <p>14 Q. And the telephone number that you provided, is 15 that the telephone number for the Strawberry 16 Valley Golf Course commission?</p> <p>17 A. No. That's his home personal number.</p> <p>18 Q. How is it that you happened to have his home 19 number?</p> <p>20 A. I asked him.</p> <p>21 Q. And where did you ask him for his home number? 22 Where did that conversation take place?</p> <p>23 A. That conversation took place because Joe 24 Cavanaugh was or did some handiwork for CP & L, DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">65</p> <p>1 Valley in Abington?</p> <p>2 A. He was not on the payroll. He was never -- he 3 was never an employee. He was a handyman. And 4 why Joe would make that statement, I don't 5 know.</p> <p>6 Q. But you never paid him anything, correct?</p> <p>7 A. No, sir, just materials rendered.</p> <p>8 Q. When you chose to seek the contract at Duxbury, 9 why didn't you bid it as CP & L?</p> <p>10 A. Because my partner and I have this corporation, 11 and we wanted to bid it together.</p> <p>12 Q. Excuse me, did it have anything to do with the 13 fact that CP & L was in bankruptcy?</p> <p>14 A. Not at all.</p> <p>15 Q. Now, in 2008, if you look at page 6 of the RFP, 16 that's Exhibit No. 3, you knew under Relevant 17 Experience that CALM Golf could not get a rating 18 of highly advantageous, correct?</p> <p>19 A. Actually, again, you asked me that question 20 before.</p> <p>21 Under the words "comparable business 22 enterprise for at least three years," that's 23 where we felt we would be highly advantageous by 24 one of the principals that were involved in DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">63</p> <p>1 Inc. in the early years in putting in some 2 locks and doing some other things. He did some 3 handiwork there, and also he did some handiwork 4 for my mother who was 86 years old.</p> <p>5 Q. Wait a minute. 6 You're saying that Joseph Cavanaugh 7 worked for you?</p> <p>8 A. No, I did not say he worked for me. He was a 9 handyman that we contracted to come in to do 10 some locks and do some other things.</p> <p>11 Q. Who contracted him to do that?</p> <p>12 A. He came in -- CP & L, Inc. had him come in and 13 fix some locks, fix a few little things that 14 were broken, and that was it.</p> <p>15 Q. And where did that take place?</p> <p>16 A. That took place in the clubhouse at Rockland 17 Golf Course.</p> <p>18 Q. When did that take place?</p> <p>19 A. 2003, 2004, 2005, probably in that area, 2006 20 and 2007 --</p> <p>21 Well, in 2007, we didn't own the 22 building, so we had nothing to do with that. 23 But it would be, basically, probably 2005, 2006 24 are the approximate years. DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">66</p> <p>1 there. It was comparable business enterprise 2 that we felt that we were highly advantageous 3 being 32 years in business.</p> <p>4 Q. CALM Golf was in business for 32 years?</p> <p>5 A. I didn't say that, sir. I said the CP & L bid, 6 which was my principal.</p> <p>7 Q. Wait a minute. CP & L didn't bid, am I 8 correct?</p> <p>9 A. No. But I'm one of the principals. It says 10 comparable business, and I'm one of principals 11 of the business. And the comparable business is 12 Rockland Golf Course, as a principal, is the way 13 we looked at it.</p> <p>14 Q. You're serious that you thought that, by bidding 15 as CALM Golf, they would evaluate the experience 16 of CP & L?</p> <p>17 A. It says "comparable business enterprise." Yes, 18 I am serious.</p> <p>19 Q. What are the two golf courses that were being 20 operated in 2008 by a combination of CALM Golf 21 and CP & L?</p> <p>22 A. We had no two golf courses there.</p> <p>23 Q. And to get highly advantageous, you had to be 24 managing at least two golf courses, correct? DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">64</p> <p>1 Q. And other than fixing some locks, what other 2 work did he do for CP & L?</p> <p>3 A. That was it, just a handyman, independent 4 contractor, handyman.</p> <p>5 Q. And how much did you pay him?</p> <p>6 A. He would not accept any money. The only thing 7 that we did do was pay all materials.</p> <p>8 Q. So he worked for free. You paid for the 9 materials, is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And when he worked for your mother, did he do 12 that for free, too?</p> <p>13 A. I don't know. That was between them.</p> <p>14 Q. And did he work for you in 2008?</p> <p>15 A. No, because we did not run the building.</p> <p>16 Q. And did he do any work at all, other than fixing 17 some locks?</p> <p>18 A. No, not that I'm aware of. He just did some 19 handiwork inside. Fixed some locks, he made a 20 couple of things in the bar.</p> <p>21 Q. Are you aware that Mr. Cavanaugh, before he 22 died, made a statement that he was on the 23 payroll at CP & L and disqualified himself from 24 further consideration of your bid at Strawberry DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">67</p> <p>1 A. Then I guess we wouldn't get highly 2 advantageous.</p> <p>3 Q. Now, in the category of advantageous under 4 Relevant Experience, the proposer -- 5 And that is CALM Golf, am I correct?</p> <p>6 A. Well, that's part of it.</p> <p>7 Q. Well, that was the proposer that was issuing 8 the proposal for the Town of Duxbury, am I 9 correct?</p> <p>10 A. Well, the way I read it, sir, there is one 11 statement. The proposer and his or her firm has 12 managed at least one income-generating golf 13 course. That's one statement.</p> <p>14 The other statement that I read is or 15 the second statement is comparable business 16 enterprise, not necessarily municipal, for a 17 period of at least three years. There are two 18 thoughts in that particular sentence, and I'm 19 going by the second thought.</p> <p>20 Q. And you weren't trying to mislead anybody, were 21 you?</p> <p>22 A. No.</p> <p>23 Q. You were trying to be as honest as you possibly 24 could be, correct? DEPOSITION OF CHARLES P. LANZETTA</p> |

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1 **A. Absolutely. And that sentence has two thoughts,**
 2 **the "or" makes it two.**
 3 **Q.** And what was the comparable business
 4 enterprise?
 5 **A. The comparable business enterprise of me, as a**
 6 **principal of CALM Golf, would be Rockland Golf**
 7 **Course.**
 8 **Q.** What was Rockland Golf Course? Is that CP & L?
 9 **A. CP & L, Inc.**
 10 **Q.** So why didn't you just do this as a joint
 11 venture of CALM Golf and CP & L if you wanted
 12 them to look at your experience as CP & L?
 13 **A. Because I already answered that question. We**
 14 **were going to do it together as a partnership.**
 15 **Q.** So CP & L wasn't going to be involved, were
 16 they?
 17 **A. The principal of CP & L was going to be**
 18 **involved, me.**
 19 **Q.** And you understood, having read all of this
 20 stuff, that it didn't really matter what the
 21 individuals had for experience. It mattered
 22 what the corporation had for experience.
 23 Didn't you know that?
 24 **A. That's correct. And the two principals make**
DEPOSITION OF CHARLES P. LANZETTA

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1 **the corporation up, and I was one of the**
 2 **principals.**
 3 **Q.** Let's take a look at the next category down, not
 4 advantageous.
 5 And the third sentence reads, "The firm's
 6 personnel may have had experience within the
 7 business of golf or comparable business
 8 enterprise, but the firm has less than three
 9 years experience."
 10 Do you see that?
 11 **A. Again, I say --**
 12 **Q.** Did I read that correctly?
 13 **A. Yes. There are three thoughts in that statement**
 14 **though.**
 15 **Q.** All right. Let's break it down.
 16 The firm's personnel, that's you, am I
 17 right?
 18 **A. That's correct.**
 19 **Q.** We're on the same page that the firm is CALM
 20 Golf, Inc., correct?
 21 **A. For statement number one, correct, for idea**
 22 **number one.**
 23 **Q.** The firm is CALM Golf.
 24 And the firm's personnel -- meaning
DEPOSITION OF CHARLES P. LANZETTA

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1 you -- may have had experience within the
 2 business of golf or comparable business
 3 enterprise, but the firm has less than three
 4 years experience, correct?
 5 **A. They know that. The town knows that.**
 6 **Q.** And knowing that, the best rating that you could
 7 get, as CALM Golf, would be not advantageous,
 8 correct?
 9 **A. I don't know that.**
 10 **Q.** Well, what was your understanding that, if the
 11 firm has less than three years experience,
 12 you're going to get not advantageous?
 13 **A. I didn't go there, sir, because I went to the**
 14 **second part, which I felt was advantageous, and**
 15 **reading the words, we qualified under**
 16 **advantageous.**
 17 **Q.** Did you have three years experience?
 18 **A. Comparable business, the second thoughts, "or**
 19 **comparable business enterprise."**
 20 **Q.** Now, let's talk about your financial bid the
 21 first time around. If you look at the document
 22 prepared by the town, which is Exhibit No. 3,
 23 they have an attachment at page 3.
 24 **A. Yes.**
DEPOSITION OF CHARLES P. LANZETTA

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1 **Q.** And that's the attachment for your price
 2 proposal, correct?
 3 **A. Correct.**
 4 **Q.** And at the bottom of it, could you read in
 5 bold print what it says at the very bottom of
 6 that?
 7 **A. "Submit this form no later than 10:00 a.m.,**
 8 **Friday, October 24. Price and nonprice**
 9 **proposal must be in separately sealed**
 10 **envelopes."**
 11 **Q.** And I'm going to show you a price proposal
 12 sheet dated 10/23/08 and ask you if that is a
 13 copy of your price proposal?
 14 **A. That is a copy.**
 15 **MR. FOLLANSBEE:** I'd ask that that be
 16 marked as the next exhibit.
 17 (Exhibit No. 5, For Identification,
 18 marked.)
 19 **Q. (BY MR. FOLLANSBEE)** And we now have Exhibit No.
 20 5, which is your price proposal, correct?
 21 **A. This is the same one, correct?**
 22 **Q. Yes.**
 23 **A. Yes.**
 24 **MR. FOLLANSBEE:** Now, I'd ask that this
DEPOSITION OF CHARLES P. LANZETTA

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1 be marked as Exhibit 5A. 5A, for the record, is
 2 a photocopy of the attachment from the Town of
 3 Duxbury's document.
 4 (Exhibit No. 5A, For Identification,
 5 marked.)
 6 **Q. (BY MR. FOLLANSBEE)** Sir, I'm going to show you
 7 these. Putting Exhibit 5A and Exhibit 5 next
 8 to each other, you chose not to use the form
 9 that the Town of Duxbury had provided, am I
 10 correct?
 11 **A. Yes, sir.**
 12 **Q.** You kind of prepared your own price proposal
 13 sheet, correct?
 14 **A. Correct.**
 15 **Q.** And the RFP issued by the Town of Duxbury asked
 16 for a flat fee on a yearly basis, correct?
 17 **A. Correct.**
 18 **Q.** And they didn't ask for any percentages or
 19 anything like that, did they?
 20 **A. Correct.**
 21 **Q.** And what you proposed was a specified amount of
 22 rent. And you also indicated that there would
 23 be additional funds paid for income generated
 24 over a half million dollars a year, correct?
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1 **A. Correct.**
 2 **Q.** And in fact, the only thing that the Town of
 3 Duxbury authorized you to do was to put down a
 4 specific figure each year, correct?
 5 **A. Correct.**
 6 **Q.** And you chose not to do it that way, correct?
 7 **A. This was done with our legal counsel, correct.**
 8 **Q.** Well, whether you had legal counsel or not,
 9 that's the way you did it, correct?
 10 **A. That's what I said, correct, sir.**
 11 **Q.** And you had, by virtue of having been given all
 12 of the documentation from the town, you had a
 13 pretty good idea what the revenues were at North
 14 Hill Country Club, am I right?
 15 **A. From what the town had given us that was put on**
 16 **a piece of paper is what we knew, sir, yes.**
 17 **Q.** Well, what the town had given you on a piece of
 18 paper were all of the financial reports that the
 19 town had, correct?
 20 **A. I'm agreeing with you.**
 21 **Q.** Ten years worth, right?
 22 **A. I'm agreeing with you, sir.**
 23 **Q.** And those numbers indicated what the annual
 24 income was there, correct?
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1 **A. That's correct.**
 2 **Q.** And those are the numbers that you relied upon
 3 in providing your price proposal, correct?
 4 **A. Correct.**
 5 **Q.** And it was pretty clear that the amount of
 6 income generated there was never going to be
 7 such that any of this additional 15 percent
 8 would ever kick in, correct?
 9 **A. I don't know.**
 10 **Q.** Well, you've been in the golf business for how
 11 many years?
 12 **A. 32.**
 13 **Q.** Would you say that typical golf revenue at a
 14 nine hole municipal golf course is on the rise
 15 in 2008 or is it flat or declining?
 16 **A. It depends on the management company, probably,**
 17 **how much that they want to put into it.**
 18 **Q.** Do you have any reason to believe that any of
 19 the computations and monthly financial reports
 20 that were provided by the Town of Duxbury were
 21 erroneous?
 22 **A. No.**
 23 **Q.** And the average, if you look at the ten years,
 24 the gross revenue averaged about \$520,000 a

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1 year, correct?
 2 **A. I don't think so.**
 3 **Q.** What do you think it averaged?
 4 **A. I think it averaged a little under four --**
 5 **It averaged under 500,000. If you want**
 6 **to take a look at the whole ten years, I**
 7 **believe, without having a calculator, 400. But**
 8 **it didn't average over 500,000 for ten years,**
 9 **but it's approximate, but I don't have it. And**
 10 **that was such a long time ago that I did it,**
 11 **you know, I could be wrong now, but I don't**
 12 **know.**
 13 **Q.** The proposed 15, percent that you have on
 14 Exhibit No. 15, that excluded food and beverage,
 15 didn't it?
 16 **A. It says here it includes membership fees, greens**
 17 **fees, golf cart fees and pull cart fees. So**
 18 **yes, to answer your question, it did exclude**
 19 **food and beverage.**
 20 **Q.** So for instance, if we take a look at a typical
 21 year, I mean, the last year that we have
 22 numbers for would be December. We have full
 23 numbers for calendar year 2006 on the second to
 24 last page.

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1 And what was the gross that year?
 2 **A. 521.**
 3 **Q.** And how much of the 521 was food and beverage?
 4 **A. \$65,000.**
 5 **Q.** So for that particular year, the 15 percent
 6 calculation would have been irrelevant, wouldn't
 7 it?
 8 **A. Again, in this case, it is, depending on the**
 9 **management company.**
 10 **Q.** Well, it doesn't really depend on the management
 11 company. It depends on the revenue, doesn't
 12 it?
 13 **A. But I think management revenues create --**
 14 **management companies create revenues, I guess.**
 15 **Q.** Well, if that was the revenue for 2006, then the
 16 answer is that the 15 percent would not have
 17 been a factor, correct?
 18 **A. That's correct.**
 19 **Q.** Now, in your proposal --
 20 **A. Which one, sir?**
 21 **Q.** The only one that you've got in front of you
 22 right now. It's Exhibit No. 4, I believe.
 23 **A. Yes, sir.**
 24 **Q.** There is quite a bit of material in there about

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1 junior golf and about Mr. Morosco and his
 2 achievements as a professional golfer.
 3 With regard to managing a golf course,
 4 Mr. Morosco didn't have the experience that you
 5 had, am I correct?
 6 **A. Mr. Morosco had a great deal, a great amount of**
 7 **experience in managing a golf course. Because**
 8 **if you take a look at a golf course, there are**
 9 **two operations. There is a golf course**
 10 **operation and golf services operation which, in**
 11 **turn, make the whole part of a golf course**
 12 **management company.**
 13 **Mr. Morosco is very, very talented in**
 14 **the golf services operation being at two**
 15 **exclusive private golf courses and being**
 16 **involved in multi-meetings with irrigation**
 17 **system and budgeting and doing a whole bunch of**
 18 **the member service operations. He is very,**
 19 **very talented in that aspect of golf**
 20 **operations.**
 21 **Q.** Sir, my question had to do with golf course
 22 management.
 23 **A. And my question is that golf course**
 24 **management --**

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1 **Q.** Sir, I haven't posed a question to you yet.
 2 **MR. GEARY:** Wait until he finishes --
 3 excuse me -- just make sure that you listen to
 4 his question, please. Let him finish, because
 5 you're going to screw up the transcript here.
 6 So he asks the question, and then you get to
 7 answer.
 8 **THE WITNESS:** Fine.
 9 **A. Sorry about that.**
 10 **Q. (BY MR. FOLLANSBEE)** That's okay.
 11 I see that, from the record, I see the
 12 achievements that Mr. Morosco had as a golf
 13 course professional. But what I'm asking you
 14 about is his experience as a manager of a golf
 15 course operation, which would include the hiring
 16 of superintendents, the hiring of personnel, the
 17 overseeing of the entire budget for the entire
 18 property.
 19 His experience as a golf course
 20 professional was not the same as your experience
 21 in running the Rockland Golf Course, am I
 22 correct?
 23 **A. That would be the case, yes.**
 24 **Q.** And with regard to the two individuals coming

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1 together, you had experience as a golf course
 2 professional. But in addition to that, you had
 3 experience in both owning and operating the
 4 Rockland Golf Course in Rockland, Massachusetts,
 5 correct?
 6 **A. Correct.**
 7 **Q.** And that is different than the experience that
 8 Mr. Morosco enjoyed in some very exclusive
 9 clubs, including the Weston Golf Club where he
 10 was the golf course professional, correct?
 11 **A. There is a difference, but there isn't a**
 12 **difference, because it's all part of the golf**
 13 **operations business.**
 14 **Q.** There is no difference.
 15 So is it your testimony, sir, that there
 16 is no difference between Johnson Golf Management
 17 operating an entire golf course facility and
 18 their resident pro at one of their facilities
 19 doing his job? There is no difference between
 20 the two?
 21 **A. I don't understand the question.**
 22 **Q.** All right. I'll rephrase it.
 23 You're familiar with the fact that
 24 Johnson Golf Management has been in the golf

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| <p style="text-align: right;">80</p> <p>1 course management business for more than 20</p> <p>2 years, aren't you?</p> <p>3 A. Yes. That's what I understand.</p> <p>4 Q. And for instance, one of the courses they manage</p> <p>5 right now is the Whaling City Golf Course in New</p> <p>6 Bedford.</p> <p>7 Are you familiar with that course?</p> <p>8 A. No, I'm not.</p> <p>9 Q. It's an 18 hole championship course.</p> <p>10 And my question is, is the operation and</p> <p>11 management of that entire course different than</p> <p>12 the role performed by the golf pro who is</p> <p>13 assigned to that course?</p> <p>14 A. It all depends on what the job description of</p> <p>15 the golf course pro is. He could be the overall</p> <p>16 general manager, and he could be in charge of</p> <p>17 everything.</p> <p>18 Q. And was that the case for Mr. Morosco at Weston?</p> <p>19 Was he in charge of everything at the Weston</p> <p>20 Golf Course?</p> <p>21 A. No. He was in charge of golf services only, as</p> <p>22 I've mentioned before.</p> <p>23 Q. Now, you indicated that, at page 7 of your</p> <p>24 proposal, there had been a typo. And there</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">83</p> <p>1 Rockland Golf Course?</p> <p>2 A. I don't understand the question.</p> <p>3 Q. Well, it says Charlie Lanzetta, Master Golf</p> <p>4 Professional is the proprietor?</p> <p>5 A. Yes.</p> <p>6 Q. And you talk about instructional programs at</p> <p>7 three courses?</p> <p>8 A. Yes.</p> <p>9 Q. And what I want to know is, at the Rockland</p> <p>10 Golf Course, how many hours a week were you</p> <p>11 devoting to the Rockland Golf Course in 2008?</p> <p>12 A. I don't understand the word "you." I mean, are</p> <p>13 you talking about me, specifically? Are you</p> <p>14 talking about my staff?</p> <p>15 Q. Maybe I'm wrong. Is there a different Charlie</p> <p>16 Lanzetta other than you?</p> <p>17 A. No, there is not.</p> <p>18 Q. All right. This describes Charlie Lanzetta,</p> <p>19 Master Golf Professional, Proprietor and says</p> <p>20 that there are instructional programs located at</p> <p>21 three places?</p> <p>22 A. Correct.</p> <p>23 Q. Now, did you work at those three places?</p> <p>24 A. Yes.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">81</p> <p>1 weren't previous contracts awarded to CALM Golf.</p> <p>2 It was simply a previous contract?</p> <p>3 A. Yes.</p> <p>4 If we look back to see the question that</p> <p>5 would be irrelevant for that, I believe it was</p> <p>6 contract or contracts. I believe that's a typo,</p> <p>7 absolutely, because we were awarded one</p> <p>8 contract. And we were, as I said before in the</p> <p>9 question, when I answered it, one contract and</p> <p>10 an agreement.</p> <p>11 Q. So there was no intention on your part to</p> <p>12 deceive anybody from the Town of Duxbury into</p> <p>13 thinking that CALM Golf had more than one</p> <p>14 contract, correct?</p> <p>15 A. No. Because there is only one contract listed</p> <p>16 there from May 1st of 2003 to August 31st,</p> <p>17 absolutely not.</p> <p>18 Q. Now, I'm going to direct your attention to page</p> <p>19 63 of your proposal.</p> <p>20 A. That again is a --</p> <p>21 MR. GEARY: Wait.</p> <p>22 Q. I'm directing your attention to page 63.</p> <p>23 A. Okay.</p> <p>24 Q. And once again, at the very top, it says</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">84</p> <p>1 Q. In 2008, how many hours a week were you working</p> <p>2 at the Rockland Golf Course?</p> <p>3 A. That would vary anywhere from -- let's see --</p> <p>4 classes there were Tuesday, Wednesday, Thursday.</p> <p>5 It would vary.</p> <p>6 MR. FOLLANSBEE: Let me go off the record</p> <p>7 for a second.</p> <p>8 (Discussion off the record.)</p> <p>9 Q. (BY MR. FOLLANSBEE) I'll ask it again, and what</p> <p>10 we're looking for is really a number.</p> <p>11 At the Rockland Golf Course in 2008, how</p> <p>12 many hours a week were you working there?</p> <p>13 A. In the junior golf program, I was there between</p> <p>14 eight and 16 hours a week in the proprietorship</p> <p>15 of the junior golf school.</p> <p>16 Q. And with regard to the rest of the operation of</p> <p>17 Rockland Golf Course, how many additional hours</p> <p>18 would you be there?</p> <p>19 A. It would vary, depending on -- I would be at</p> <p>20 Harmon, working at Harmon.</p> <p>21 Q. No. Let's focus on Rockland. For the junior</p> <p>22 program, you're there eight to 16 hours a week</p> <p>23 devoted to the junior program?</p> <p>24 A. Yes.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">82</p> <p>1 "Previous contracts" -- plural -- "awarded to</p> <p>2 CALM Golf," am I correct?</p> <p>3 A. Correct.</p> <p>4 Q. And it lists the Strawberry Valley Golf Course,</p> <p>5 correct?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And then at the bottom of the page, it talks</p> <p>8 about you owning and operating the Rockland Golf</p> <p>9 Course, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And it says that that occurred from July 1, 1978</p> <p>12 to the present, correct?</p> <p>13 A. Correct. And again, that was a typo.</p> <p>14 Q. That's another typo, okay.</p> <p>15 Now, you talk about, at the bottom of the</p> <p>16 page, you talk about the Charlie Lanzetta Junior</p> <p>17 Golf Program and Charlie Lanzetta Master PGA</p> <p>18 Golf Professional, Proprietor. And you list</p> <p>19 three locations, Rockland Golf Course, the</p> <p>20 Harmon Club and Green Harbor Golf Club.</p> <p>21 In 2008, were you performing services at</p> <p>22 those three facilities?</p> <p>23 A. Yes.</p> <p>24 Q. And how many hours a week would you be at the</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">85</p> <p>1 Q. As the president and CEO of CP & L, Inc. that</p> <p>2 ran the Rockland Golf Course, how many hours a</p> <p>3 week would you be there for those duties?</p> <p>4 A. Probably, 30 hours a week.</p> <p>5 Q. So that it would be 38 to 46 hours a week there</p> <p>6 total?</p> <p>7 A. Probably, on an average.</p> <p>8 Q. Now, in addition to those duties, you were at</p> <p>9 the Harmon Club in Rockland.</p> <p>10 How many hours a week would you be there</p> <p>11 in 2008?</p> <p>12 A. In 2008, I was there probably an average of two</p> <p>13 hours a week.</p> <p>14 Q. And at the Green Harbor Golf Club in Marshfield,</p> <p>15 how many hours a week would you be there in</p> <p>16 2008?</p> <p>17 A. Eight hours for six weeks.</p> <p>18 Q. Now, in your proposal to the Town of Duxbury,</p> <p>19 you were purporting to commit, between yourself</p> <p>20 and Mr. Morosco, 40 hours a week to the North</p> <p>21 Hill Country Club, is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And how many of those would be you and how many</p> <p>24 would be Mr. Morosco?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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1 **A. It would depend on a weekly basis.**
 2 **Q.** Where else was Mr. Morosco working in 2008?
 3 **A. He was my head instructor at the Harmon Club.**
 4 **Q.** And how many hours a week would he be at the
 5 Harmon Club?
 6 **A. 20 hours.**
 7 **Q.** And did he work anyplace else?
 8 **A. He was the director of instruction at Rockland.**
 9 **Q.** And how many hours a week would he be working
 10 there?
 11 **A. That would depend on lessons.**
 12 **Q.** Well, on an average, how many hours a week?
 13 **A. I don't know. I don't have nothing to do with**
 14 **the instruction program, in his instruction**
 15 **program.**
 16 **Q.** Did he work anyplace else other than the Harmon
 17 Club and Rockland?
 18 **A. Not that I'm aware of.**
 19 **Q.** And both you and Mr. Morosco were committing to
 20 be the head golf professionals at the North Hill
 21 Country Club, if you were successful in
 22 obtaining the contract, is that correct?
 23 **A. That's correct.**
 24 **Q.** Now, how did you calculate how much money you

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1 were offering when you arrived at the total
 2 figure of \$300,000 on Exhibit No. 5?
 3 **A. Went off of the numbers that we got.**
 4 **Q.** So based on the numbers that you got, you were
 5 comfortable that your average rent payment
 6 would be \$75,000 a year. Well, it's five years
 7 divided by --
 8 Sorry, 60. So is it 60,000 --
 9 **A. Yes.**
 10 **Q.** -- a year in rent average?
 11 **MR. GEARY:** No, no. Let's go off the
 12 record. I don't want to be on the record on
 13 this.
 14 **MR. FOLLANSBEE:** Okay.
 15 (Discussion off the record.)
 16 **Q. (BY MR. FOLLANSBEE)** I'm showing you what your
 17 proposal, which is Exhibit No. 5, your price
 18 proposal.
 19 Having had a chance to do some of the
 20 arithmetic, would you agree with me that the
 21 total fixed rent that you were proposing to pay
 22 to the Town of Duxbury was 280,000 over the
 23 course of five years?
 24 **A. Plus the \$5,000 that would need to be paid**

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1 **because of the rent -- I mean, the tax thing**
 2 **that they had in that thing. That was included**
 3 **in that also, but not included in that figure.**
 4 **Q.** Well, every proposer, as part of the contract
 5 that the Town of Duxbury was providing, anybody
 6 who got the contract had to pay a payment in
 7 lieu of taxes in addition, correct?
 8 **A. Correct.**
 9 **Q.** So that wasn't considered as part of your rent,
 10 was it?
 11 **A. No. But it was part of the \$300,000 though.**
 12 **Q.** No. I'm talking about what you were committing
 13 to give them in addition to the taxes that they
 14 would get from anybody, and that is \$280,000,
 15 correct?
 16 **MR. GEARY:** No. Once again, if we could
 17 go off the record.
 18 **MR. FOLLANSBEE:** Okay.
 19 (Discussion off the record.)
 20 **Q. (BY MR. FOLLANSBEE)** Sir, directing your
 21 attention to Exhibit No. 5, are we in agreement
 22 that what you were proposing to pay in rent to
 23 the Town of Duxbury was \$280,000 over five
 24 years?

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1 **A. Yes. Plus --**
 2 **Q.** Now, I'll ask you another question.
 3 In addition to that, you had a
 4 commitment under the contract where you would
 5 also have to pay real estate taxes, is that
 6 correct?
 7 **A. That's correct.**
 8 **Q.** And according to the price proposal sheet that
 9 you gave to the town, you also indicated that
 10 there would be \$2,000 per year for DHS boys -- I
 11 assume that means Duxbury High School -- and
 12 2,000 for girls golf team, is that correct?
 13 **A. Yes.**
 14 **Q.** So the actual rent payment to the Town of
 15 Duxbury would have been 280. And you were
 16 proposing, independently of that, to pay other
 17 funds to the Duxbury High School golf teams,
 18 correct?
 19 **A. Correct.**
 20 **Q.** Now, with regard to the rent figure of \$280,000,
 21 am I correct that that would average \$56,000 a
 22 year?
 23 **A. For the rent, correct.**
 24 **Q.** For the rent only. So we're in agreement on

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1 that?
 2 **A. For the rent only.**
 3 **Q.** Now, at or about the same time that you
 4 submitted a proposal to manage this golf course
 5 for the Town of Duxbury, CALM Golf submitted
 6 another proposal to the Town of Abington to
 7 manage their golf course in the winter of
 8 2008-2009, correct?
 9 **A. Uh-huh.**
 10 **Q.** You have to answer yes or no?
 11 **A. Yes, I'm sorry, yes.**
 12 **Q.** So in December of 2008, CALM Golf submitted a
 13 proposal to the Town of Abington in order to run
 14 their nine hole golf course, the Strawberry
 15 Valley Golf Course, correct?
 16 **A. Correct.**
 17 **Q.** And how much did you propose to pay them in rent
 18 for that golf course?
 19 **A. I don't know without seeing the bid.**
 20 **Q.** You don't know. Aren't you running that golf
 21 course now?
 22 **A. Which bid are you talking about? There was one**
 23 **that was thrown out.**
 24 **MR. GEARY:** Excuse me, let me just

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1 interrupt.
 2 He asks the questions, okay. You just
 3 answer. I'm not going to instruct you, but if
 4 there is more than one bid, then just say,
 5 whatever, you don't know and just answer.
 6 **A. I don't know.**
 7 **MR. GEARY:** I'm sorry, I don't mean to
 8 instruct him, but there is some disconnect
 9 here.
 10 **MR. FOLLANSBEE:** No, I understand.
 11 **Q. (BY MR. FOLLANSBEE)** How much are you paying in
 12 rent right now?
 13 **A. 3,600 a month.**
 14 **Q.** And is that for twelve months?
 15 **A. 3,600 a month for twelve months.**
 16 **Q.** So you're paying Abington \$43,200 per year in
 17 rent, correct?
 18 **A. Correct.**
 19 **Q.** And that's pursuant to a bid that you did in
 20 January of 2009, correct?
 21 **A. I believe so, yes.**
 22 **Q.** And earlier than that, in December of 2008, you
 23 had submitted another bid to them, correct?
 24 **A. Uh-huh.**

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| <p style="text-align: center;">92</p> <p>1 Q. Yes or no?</p> <p>2 A. Yes, I'm sorry.</p> <p>3 Q. And do you remember how much you bid in the</p> <p>4 first bid in December of 2008?</p> <p>5 A. No, I don't.</p> <p>6 Q. Was it more or less than the 43,200?</p> <p>7 A. I really can't recall.</p> <p>8 Q. In bidding 43,200 for the Abington course on a</p> <p>9 yearly basis, is that a function of what the</p> <p>10 gross income was there?</p> <p>11 A. Yes.</p> <p>12 Q. And were you comfortable bidding 43,200 a year</p> <p>13 based on the income that you had seen over at</p> <p>14 Strawberry Valley?</p> <p>15 A. Not comfortable, but that was the bid.</p> <p>16 MR. FOLLANSBEE: Now, with regard to the</p> <p>17 second RFP in Duxbury, I would ask that that be</p> <p>18 marked as the next exhibit.</p> <p>19 MR. GEARY: Steve, off the record for a</p> <p>20 second.</p> <p>21 (Discussion off the record.)</p> <p>22 MR. FOLLANSBEE: I just want to get a</p> <p>23 couple of items on the record, and then we'll</p> <p>24 adjourn.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">95</p> <p>1 bid?</p> <p>2 A. I put it in because that was just information.</p> <p>3 Q. Where did you get it?</p> <p>4 A. Salem News, on-line.</p> <p>5 Q. You went on-line to the Salem Evening News and</p> <p>6 printed this out?</p> <p>7 A. Yes.</p> <p>8 Q. And what was the purpose of printing it out and</p> <p>9 including it in your bid?</p> <p>10 A. Informational purposes, that's all.</p> <p>11 Q. But what information were you trying to convey?</p> <p>12 A. Information.</p> <p>13 Q. I know. But what information were you trying to</p> <p>14 convey to the Town of Duxbury?</p> <p>15 A. Obviously, it's not a good situation.</p> <p>16 Q. And what did you personally know about the</p> <p>17 situation?</p> <p>18 A. Only what I read.</p> <p>19 Q. And you were comfortable in doing that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Let's go through it.</p> <p>22 Do you have any personal knowledge that</p> <p>23 the operator of the Beverly Golf & Tennis Club</p> <p>24 is \$220,000 behind in his payments to the city?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">93</p> <p>1 This bid was Friday, January 9, 2009 at</p> <p>2 10:00 a.m. And I'd ask that that be marked as</p> <p>3 the next exhibit.</p> <p>4 (Exhibit No. 6, For Identification,</p> <p>5 marked.)</p> <p>6 MR. FOLLANSBEE: We're also going to mark</p> <p>7 the proposal that you submitted in response to</p> <p>8 the January RFP.</p> <p>9 (Exhibit No. 7, For Identification,</p> <p>10 marked.)</p> <p>11 Q. (BY MR. FOLLANSBEE) Now, sir, with regard to</p> <p>12 Exhibit 6, that was the second RFP in Duxbury</p> <p>13 that came out in January of '09, correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And in response, you submitted -- "you" meaning</p> <p>16 CALM Golf -- submitted Exhibit No. 7 as your new</p> <p>17 proposal, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And if you could look at page 2 of Exhibit 7.</p> <p>20 A. Page 2, the second page?</p> <p>21 Q. The second page, it would be number 2 in the</p> <p>22 lower right-hand corner.</p> <p>23 A. Oh, okay.</p> <p>24 Q. If you look down towards, or just above where</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">96</p> <p>1 A. No.</p> <p>2 Q. Do you know what the terms were of the contract</p> <p>3 between Johnson Golf and the City of Beverly?</p> <p>4 A. No.</p> <p>5 Q. But you thought it was a good idea to put this</p> <p>6 in about Johnson Golf Management and give this</p> <p>7 information to the Town of Duxbury, is that</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. And the idea was that you hoped that the Town of</p> <p>11 Duxbury would act on this information and take a</p> <p>12 negative view of Johnson Golf as a manager, is</p> <p>13 that correct?</p> <p>14 A. No. I just wanted a complete perspective.</p> <p>15 Q. A complete perspective. You were interested in</p> <p>16 a complete perspective --</p> <p>17 MR. JOHNSON: That's funny.</p> <p>18 MR. GEARY: Shush, shush.</p> <p>19 Q. You were interested in a complete perspective</p> <p>20 for the Town of Duxbury?</p> <p>21 A. Hopefully for it, absolutely.</p> <p>22 Q. So in this 106 pages that you've submitted to</p> <p>23 the town, you manage to put in a news article</p> <p>24 alleging a default by Johnson Golf.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">94</p> <p>1 It says "Rockland Golf Course," there is a</p> <p>2 sentence that says, "CALM Golf Inc. has entered</p> <p>3 into and been awarded many previous and present</p> <p>4 contracts throughout its six years in</p> <p>5 existence."</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Now, as of January 2009, could you tell me how</p> <p>9 many contracts CALM Golf had really been</p> <p>10 awarded?</p> <p>11 A. One.</p> <p>12 Q. Now, if you could turn forward to page 4, page 4</p> <p>13 looks like a reprint from the Salem Evening</p> <p>14 News, am I correct?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Yes or no?</p> <p>17 A. Yes.</p> <p>18 Q. And you included this as part of your bid?</p> <p>19 A. That's correct.</p> <p>20 Q. And the headline says, "Golf club manager owes</p> <p>21 city \$220,000," am I right? Is that what it</p> <p>22 says?</p> <p>23 A. That's what it says.</p> <p>24 Q. Can you tell me why this was included in your</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">97</p> <p>1 Now, did you mention anything in there</p> <p>2 about the fact that your company was in</p> <p>3 bankruptcy?</p> <p>4 A. Had nothing to do with CALM Golf.</p> <p>5 Q. Your company has nothing to do with CALM Golf.</p> <p>6 Is that your testimony?</p> <p>7 A. The principal of the corporation is me, and I'm</p> <p>8 the principal of CP & L, Inc.</p> <p>9 Q. But you don't think anybody in Duxbury would be</p> <p>10 interested in knowing that the other golf course</p> <p>11 company that you had was in bankruptcy. Is that</p> <p>12 your testimony?</p> <p>13 A. That's correct.</p> <p>14 Q. All right. Let's go to page 5.</p> <p>15 Why did you put this page in? This is</p> <p>16 another excerpt from the Salem Evening News.</p> <p>17 A. Informational purposes.</p> <p>18 Q. And so what information were you trying to</p> <p>19 convey?</p> <p>20 A. Positive experiences.</p> <p>21 Q. Positive experiences?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Positive experiences for whom?</p> <p>24 A. Golfers.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p style="text-align: center;">98</p> <p>1 Q. What's the positive experience for golfers 2 that's reflected on page 5?</p> <p>3 A. Enthusiasm.</p> <p>4 Q. Where is the enthusiasm?</p> <p>5 A. In the headlines.</p> <p>6 Q. So the sole purpose in putting this in front of 7 the evaluators in Duxbury is to show enthusiasm 8 for the game of golf?</p> <p>9 A. That's what it's for. That's what the game of 10 golf is. One of the characteristics of the game 11 of golf is being enthused.</p> <p>12 Q. And this is why you put it in.</p> <p>13 It didn't have anything to do with the 14 statement in the middle of the page that alleges 15 that Johnson Golf Management allowed the course 16 and facilities to deteriorate so much in its six 17 years that the job literally will take an equal 18 amount of time just to bring everything back to 19 a respectable level?</p> <p>20 This wasn't a slam at Johnson Golf. This 21 was to show enthusiasm for the game of golf, is 22 that right?</p> <p>23 A. Correct.</p> <p>24 Q. Let's look at page 9.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">101</p> <p>1 professional here.</p> <p>2 Q. Well, you're not talking about your experience 3 as a golf professional here. You're talking 4 about your experience as the operator of 5 Rockland Golf Course, aren't you?</p> <p>6 A. Yes, I am.</p> <p>7 Q. So you didn't mention anything to Duxbury about 8 the fact that CP & L was in bankruptcy, did 9 you?</p> <p>10 A. No.</p> <p>11 Q. And you didn't mention anything about the fact 12 that Rockland Golf Course had been foreclosed 13 upon while you were operating it, did you?</p> <p>14 A. Rockland Golf Course was not foreclosed.</p> <p>15 Q. There was never a foreclosure sale scheduled for 16 the Rockland Golf Course?</p> <p>17 A. Never occurred.</p> <p>18 Q. Was there a deed in lieu of foreclosure?</p> <p>19 A. Deed in lieu of foreclosure, but foreclosure 20 never occurred.</p> <p>21 Q. Now, let's look at page 11.</p> <p>22 MR. GEARY: Steve, are we almost done?</p> <p>23 MR. FOLLANSBEE: Just five more minutes.</p> <p>24 I told you 20 minutes of. I'll get you out of <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> </p> |
| <p style="text-align: center;">99</p> <p>1 A. All right.</p> <p>2 Q. What's page 9?</p> <p>3 A. Golf professional's experience, I believe, Tony 4 Morosco.</p> <p>5 Q. Now, let's look at golf course operations, 6 planning programs. Weston Golf Club 3.2 million 7 course renovation, new irrigation system, 8 construction of new driving range, 9 reconstruction of bunkers, reconstruction of 10 three putting greens.</p> <p>11 What did Mr. Morosco have to do with 12 those four projects?</p> <p>13 A. He was on the committee that planned this 14 program, and he was involved in giving his 15 professional feelings on the systems or the 16 various topics that were discussed there.</p> <p>17 Q. Did he design anything?</p> <p>18 A. I don't know.</p> <p>19 Q. Did he oversee the construction?</p> <p>20 A. I don't know.</p> <p>21 Q. Did he physically do any of the work?</p> <p>22 A. I don't know.</p> <p>23 Q. What's your purpose in putting this page in 24 there?</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">102</p> <p>1 here.</p> <p>2 MR. GEARY: All right, thanks.</p> <p>3 Q. (BY MR. FOLLANSBEE) Page 11, again, is this 4 another typo where it says "Previous contracts 5 awarded to CALM Golf"?</p> <p>6 A. Yes. It would have been the same thing off of 7 the computer.</p> <p>8 Q. That's a typo, okay.</p> <p>9 Let's look at page 12. You talk about 10 some short-term and long-term planning. Item 11 number 1 under short-term is, "Improve the image 12 of NHCC member and patron services and amenities 13 that have been lost."</p> <p>14 Could you tell me what amenity had been 15 lost?</p> <p>16 A. Public service, good public communications, the 17 rapport between the golf service people and the 18 members and patrons.</p> <p>19 Q. And how did you make a determination that those 20 amenities had been lost?</p> <p>21 A. Amenities have been lost from various articles 22 that have been in the paper, various comments 23 from people that have eventually come back to 24 me, as far as services.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: center;">100</p> <p>1 A. Because he's been involved on a committee that 2 was able to go over and do all of this stuff and 3 be involved in the whole process of the 4 budgeting, the whole process of the development 5 and the reconstruction of bunkers and putting 6 greens.</p> <p>7 Q. And he didn't do any of the work, did he?</p> <p>8 A. No, I don't know. I don't know that. I don't 9 know if he was out there or not.</p> <p>10 Q. Now, let's look at page 10.</p> <p>11 A. All right.</p> <p>12 Q. It talks about you being the CEO and president 13 of CP & L, Inc. which has operated Rockland Golf 14 Course since 1978?</p> <p>15 A. That's correct.</p> <p>16 Q. Now, you wanted to give full disclosure to the 17 Town of Duxbury, correct?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a yes?</p> <p>20 A. Yes.</p> <p>21 Q. But you forgot to mention that CP & L was in 22 bankruptcy, is that correct?</p> <p>23 A. That right there asked for golf professional's 24 experience. I put down my experience as a golf</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: center;">103</p> <p>1 Q. Now, could you tell me one of those people?</p> <p>2 A. No, I can't.</p> <p>3 Q. Do you have the name of anybody who told you 4 that either patron services or amenities had 5 been lost?</p> <p>6 A. Actually, my wife told me that, but she didn't 7 tell me who told her.</p> <p>8 Q. So somebody told your wife something negative, 9 and your wife repeated it to you?</p> <p>10 A. Yes. It wasn't one-on-one hand, it was like 11 second or thirdhand.</p> <p>12 Q. But you saw that fit to put in here to give good 13 information to the Town of Duxbury, correct? Is 14 that correct?</p> <p>15 A. Correct.</p> <p>16 Q. Now, prior to January of 2009, when was the last 17 time you had either played or walked the course 18 at North Hill Country Club?</p> <p>19 A. I was at North Hill Country Club, and I walked 20 around there in 2008.</p> <p>21 Q. When in 2008?</p> <p>22 A. Probably, late September, early October, 23 approximately.</p> <p>24 Q. Did you play a round there or did you just walk</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

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| <p style="text-align: right;">104</p> <p>1 the course?</p> <p>2 A. No, I did not play. I did not walk the course.</p> <p>3 Q. So you didn't see the whole course. You just</p> <p>4 visited the course?</p> <p>5 A. I just visited the course.</p> <p>6 Q. Did you go out on any particular holes?</p> <p>7 A. I looked around the ninth green, looked around</p> <p>8 the putting green.</p> <p>9 Q. Item number 2, you say you're going to work with</p> <p>10 the NHCC committee to improve the playability of</p> <p>11 the golf course?</p> <p>12 A. That's correct.</p> <p>13 Q. Now, how did you make a determination that you</p> <p>14 could improve the playability of the golf</p> <p>15 course?</p> <p>16 A. Various rough cuttings, various player-friendly</p> <p>17 acts that could be used to make the playability</p> <p>18 of the golf course better, maybe addition of</p> <p>19 some forward tees to make the beginner golfers</p> <p>20 have a better experience rather than have them</p> <p>21 play a tougher golf course.</p> <p>22 Q. Now, you hadn't been out on the course, right?</p> <p>23 A. I've played the course, but not in the last few</p> <p>24 years, but I've played the golf course.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">107</p> <p>1 Q. And who was the counsel that gave you that</p> <p>2 advice?</p> <p>3 A. John Geary.</p> <p>4 Q. And what did he tell you?</p> <p>5 MR. GEARY: Objection.</p> <p>6 No, Steve, that one is not going to</p> <p>7 happen. I'm going to object on attorney-client</p> <p>8 privilege. I'm going to advise him --</p> <p>9 You're asking him what I told him as</p> <p>10 advice of counsel. So I'm going to object and</p> <p>11 not allow him to answer what I told him.</p> <p>12 Anything that he can testify to as far as what</p> <p>13 he knows about changing his bid is fair game,</p> <p>14 but not what I told him.</p> <p>15 MR. FOLLANSBEE: Believe me, I'm not</p> <p>16 looking for any private advice of counsel or</p> <p>17 legal advice.</p> <p>18 I understood from his testimony that you</p> <p>19 directed him to put in a bid that was going to</p> <p>20 be communicated to other people. If that's not</p> <p>21 the case, I don't want to inquire anything about</p> <p>22 it.</p> <p>23 MR. GEARY: That's not the case. He was</p> <p>24 just given assistance of counsel.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">105</p> <p>1 Q. In 2008, did you go out on the course to see if</p> <p>2 they had forward tees?</p> <p>3 A. Forward tees, I mean from, like, 150 yards to</p> <p>4 the green, 180 yards to the green.</p> <p>5 Q. And I'm asking you if you went out on the</p> <p>6 course to see if that was already in place in</p> <p>7 2008?</p> <p>8 A. No, I did not.</p> <p>9 Q. So you had no idea whether it was in place or</p> <p>10 not, correct?</p> <p>11 A. That's feasible, yes.</p> <p>12 Q. Now, what is the NHCC?</p> <p>13 A. North Hill Country Club.</p> <p>14 Q. And what is the NHCC committee?</p> <p>15 A. I guess that would be the park and recs</p> <p>16 committee that you meet with. I don't know.</p> <p>17 Q. Well, you wrote it down. I'm just asking what</p> <p>18 it means.</p> <p>19 A. Well, I meant -- well, the parks and recreation</p> <p>20 committee that are in charge of the facility.</p> <p>21 Q. Okay.</p> <p>22 MR. FOLLANSBEE: Now, in addition to</p> <p>23 your non-price proposal, I'm going to ask that</p> <p>24 this be marked as the next exhibit. This is</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">108</p> <p>1 MR. FOLLANSBEE: Got it. That's fine.</p> <p>2 MR. GEARY: Thanks.</p> <p>3 Q. (BY MR. FOLLANSBEE) Now, sir, you increased</p> <p>4 your bid from \$56,000 a year, on average, to</p> <p>5 102,500 on average.</p> <p>6 Now, can you tell me, in the face of the</p> <p>7 US economy in the winter of 2008 to 2009, why in</p> <p>8 that seven or eight week period you increased</p> <p>9 your bid so dramatically?</p> <p>10 A. Because my counsel advised us -- me to do it.</p> <p>11 Q. Who came up with the numbers that are on that</p> <p>12 piece of paper? Where did those numbers come</p> <p>13 from? Are those your numbers?</p> <p>14 A. I don't believe so. I think they're John's</p> <p>15 numbers.</p> <p>16 MR. FOLLANSBEE: This is probably a good</p> <p>17 place to adjourn. I think we're going to have</p> <p>18 to resume this deposition, so we're just going</p> <p>19 to suspend for the time being. We'll pick</p> <p>20 another date.</p> <p>21 MR. GEARY: Okay.</p> <p>22 MR. FOLLANSBEE: Just so that we have a</p> <p>23 clear record, I'm going to ask that a memo from</p> <p>24 my secretary to me regarding Attorney Troy's</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |
| <p style="text-align: right;">106</p> <p>1 your price proposal from January 9, 2009.</p> <p>2 (Exhibit No. 8, For Identification,</p> <p>3 marked.)</p> <p>4 Q. (BY MR. FOLLANSBEE) Are you familiar with that</p> <p>5 document?</p> <p>6 A. I am.</p> <p>7 Q. And once again, you didn't use the form that the</p> <p>8 town had provided. You created your own form,</p> <p>9 is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, directing your attention to Exhibit No. 8,</p> <p>12 which is your price proposal, this is the price</p> <p>13 proposal that you gave in January of '09,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And in this price proposal, you increased your</p> <p>17 rent payment, didn't you?</p> <p>18 A. Correct.</p> <p>19 Q. And you changed it from what was an average of</p> <p>20 56,000 a year to a new average of 102,500 a</p> <p>21 year, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Why did you do that?</p> <p>24 A. Advice of counsel.</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> | <p style="text-align: right;">109</p> <p>1 nonattendance today be marked as the next</p> <p>2 exhibit.</p> <p>3 MR. GEARY: Let me just see it quick.</p> <p>4 MR. FOLLANSBEE: Sure.</p> <p>5 MR. GEARY: Okay, thanks.</p> <p>6 (Exhibit No. 9, For Identification,</p> <p>7 marked.)</p> <p>8 (Whereupon, the deposition was suspended</p> <p>9 at 4:45 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">DEPOSITION OF CHARLES P. LANZETTA</p> |

CERTIFICATE

I, CHARLES P. LANZETTA, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that said transcript is a true and accurate record of said testimony.

Dated at _____,
this _____ day of _____,
2009.

CHARLES P. LANZETTA
SIGNED UNDER THE PENALTIES
OF PERJURY

DEPOSITION OF CHARLES P. LANZETTA

CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

I, JAMES A. LYONS, Certified Shorthand Reporter, Registered Diplomat Reporter, Certified Realtime Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify: that CHARLES P. LANZETTA, the witness whose deposition is hereinbefore set forth, was satisfactorily identified, then duly sworn by me, and that such deposition is a true record of the testimony given by the said witness.

I further certify that I am not a relative or employee or counsel or attorney for any of the parties, or a relative or employee of such counsel or attorney, nor am I financially or otherwise interested in the outcome of the action.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 13th day of November, 2009.

JAMES A. LYONS
CSR No. 117993, RDR, CRR

My commission expires
on April 29, 2016

DEPOSITION OF CHARLES P. LANZETTA

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