

VOLUME: 1  
PAGES: 1 - 94  
EXHIBITS: 5

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. SUPERIOR COURT DOCKET  
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  
-----x

DEPOSITION OF MICHAEL DOOLIN, taken on  
behalf of the Plaintiff, pursuant to the  
applicable provisions of the Massachusetts Rules  
of Civil Procedure, before Jessica F. Story,  
Certified Shorthand Reporter and Notary Public  
in and for the Commonwealth of Massachusetts, at  
the offices of Follansbee & McLeod, LLP, 536  
Granite Avenue, Braintree, Massachusetts, on  
Monday, July 18, 2011, commencing at 10:09 a.m.

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14 Chairman, Scott Whitcomb, Robert M. Mustard,  
15 Jr., Michael Marlborough, Anthony Floreano,  
16 Michael T. Rufo, Thomas K. Garrity, Richard  
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18 (Ex officio)

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Jr., Michael Marlborough, Anthony Floreano,  
Michael T. Rufo, Thomas K. Garrity, Richard  
Manning, W. James Ford, and Gordon Cushing  
(Ex officio)

## 20 ALSO PRESENT:

21 Douglas Johnson  
22 Jason Laramee  
23  
24

## 1 PROCEEDINGS

2  
3  
4  
5 MICHAEL DOOLIN, a witness called on  
6 behalf of the Plaintiff, first having been  
7 satisfactorily identified by his Massachusetts  
8 driver's license, then duly sworn, on oath  
9 deposes and says as follows:

10  
11 MR. FOLLANSBEE: With regard to the  
12 stipulations, do you want to maintain the ones  
13 we had at the last deposition?

14 MR. KESTEN: Yes. Reserve all objections  
15 except as to form and motions to strike until  
16 the time of trial.

17 MR. FOLLANSBEE: Very good. We'll waive  
18 the notary on the signing.

19 MR. KESTEN: Yes.

20 MR. FOLLANSBEE: And we'll ask that it be  
21 read and signed within 30 days, and if it's not  
22 returned within 35 days, we'll assume that it's  
23 read and signed.

24 MR. KESTEN: Yep.

1

2 EXAMINATION BY MR. FOLLANSBEE:3 Q. Good morning, Mr. Doolin. Could you please  
state your name and residential address?5 A. **Michael Doolin, 1 Winward Way, Duxbury, Mass,  
02332.**

7 Q. What is your occupation, sir?

8 A. **I'm an operations supervisor for a trade show  
company.**

10 Q. How long have you had that position?

11 A. **I've had that position just about four years.**12 Q. Beginning with your high school education, could  
you provide your educational background, please?14 A. **I went to Quincy High School, graduated in 1971.  
I graduated from Providence College in 1978.**16 Q. Have you had any other training since Providence  
College?18 A. **No formal education.**19 Q. What degree did you receive from Providence  
College?21 A. **BS degree in accounting.**

22 Q. Have you ever been deposed in the past?

23 A. **Yes.**

24 Q. When were you most recently deposed?

6

1 A. **Somewhere 1985, '86.**2 Q. Just so that we have a clear record, you  
3 understand that you have to give verbal answers  
4 to the questions and you can't nod because the  
5 stenographer won't be able to pick that up, and  
6 I notice you're nodding right now.7 A. **Understood.**

8 Q. You do understand that. Okay.

9 Would you describe yourself as an avid  
10 golfer?11 A. **I try to be, yes.**

12 Q. How long have you been playing golf?

13 A. **Well, 30 years approximately, approximately.**

14 Q. And do you maintain a handicap?

15 A. **I do.**

16 Q. What is your current handicap?

17 A. **9.**

18 Q. And is that your index?

19 A. **My index is 8.4, I believe, presently.**

20 Q. Do you recall what your lowest index has been?

21 A. **I think it was -- at one time I might have been  
22 about 6, somewhere around there.**23 Q. On the high side, where has it been in the last  
24 five or six years?

7

1 A. **12.**

2 Q. How long have you lived in Duxbury?

3 A. **I've lived in Duxbury since 1987.**4 Q. In the ten or so years before you moved to  
5 Duxbury, were you playing golf at that time?6 A. **Yeah. I played infrequently.**7 Q. Where did you most frequently play in those  
8 days?9 A. **I didn't have one club that I played at. I  
10 wasn't a member at any one club. I played all  
11 over the South Shore.**

12 Q. Mostly 18 hole courses or 9 hole courses?

13 A. **I'd say mostly 18.**

14 Q. Do you remember what courses that would include?

15 A. **Braintree, Ponkapoag, Presidents in Quincy.  
16 That's it for the most part.**17 Q. Did you have occasion to play South Shore in  
18 Hingham?19 A. **I have played there, yes.**

20 Q. How about Pembroke Country Club in Pembroke?

21 A. **I have played there, as well.**22 Q. Did you have occasion to play Halifax during  
23 those years?24 A. **I've recently played Halifax, yes.**

8

1 Q. How about Green Harbor in Marshfield?

2 A. **Yes. I've recently played Green Harbor as well.**3 Q. Do you presently maintain any memberships at any  
4 golf course?5 A. **Yes, I do.**

6 Q. Where is that?

7 A. **North Hill Country Club.**8 Q. How long have you been a member at North Hill  
9 Country Club?10 A. **I just -- well, I had been a member in past  
11 years but I just joined this year.**12 Q. Do you know the years that you were a member at  
13 North Hill?14 A. **I can't --**

15 Q. When you --

16 A. **-- exactly. No, I can't.**17 Q. When you moved to Duxbury in 1987, is it fair to  
18 say that's when you began playing at North Hill?19 A. **That's fair to say, yes.**

20 Q. Did you play as a member during those years?

21 MR. FOLLANSBEE: Excuse me. We can go  
22 off the record.

23 (Discussion off the record.)

24 Q. When did you -- do you recall when you first

- 1 joined North Hill as a member?
- 2 **A. I can't tell you exactly.**
- 3 **Q. Were you a member there for multiple years?**
- 4 **A. Yes, I was.**
- 5 **Q. Would it be accurate to say that approximately**
- 6 **from the year 2001 or 2002 up until the present**
- 7 **you've maintained a membership there?**
- 8 **A. 2001 possibly to 2005 or six, maybe.**
- 9 **Q. And then in 2005 or 2006 you ceased being a**
- 10 **member?**
- 11 **A. Yes.**
- 12 **Q. Did you join any other club?**
- 13 **A. I did not, no.**
- 14 **Q. So roughly from 2006 through the 2010 season you**
- 15 **were not a member?**
- 16 **A. I might be off on those years a little bit but**
- 17 **that's approximate.**
- 18 **Q. How frequently -- during the 2002 to 2006 period**
- 19 **of time, how frequently were you playing golf at**
- 20 **the North Hill Country Club?**
- 21 **A. I played in a league on Thursday afternoons. I**
- 22 **played 9 holes, and then maybe 10, 12 other**
- 23 **times in the course of the year I might get in a**
- 24 **round of golf.**

- 1 **Q. During that period of time were you playing --**
- 2 **you weren't playing any place else essentially**
- 3 **when you were playing at North Hill?**
- 4 **A. No. I occasionally would play at other places**
- 5 **but --**
- 6 **Q. Did you have a regular foursome that you played**
- 7 **with?**
- 8 **A. No, I did not.**
- 9 **Q. Did you maintain your membership after you**
- 10 **became a member of the North Hill Advisory**
- 11 **Committee?**
- 12 **A. I believe I did for a couple of years, yeah.**
- 13 **Q. What year did you become a member of the North**
- 14 **Hill Advisory Committee?**
- 15 **A. 2005, I believe.**
- 16 **Q. How did you have occasion to become a member of**
- 17 **the North Hill Advisory Committee?**
- 18 **MR. JORDAN: Objection. You can answer.**
- 19 **THE WITNESS: Excuse me?**
- 20 **MR. JORDAN: You can answer.**
- 21 **A. Well, I completed the talent bank form and**
- 22 **submitted it to the Town of Duxbury, and they**
- 23 **contacted me and --**
- 24 **Q. Did you have any conversation with anybody in**

- 1 town government about offering to serve on the
- 2 North Hill Advisory Committee?
- 3 **A. I don't believe so.**
- 4 **Q. Do you remember an issue coming up in early 2004**
- 5 **where you wrote a letter to the board of**
- 6 **selectmen regarding the North Hill golf course?**
- 7 **A. I do know that I wrote a letter to the board of**
- 8 **selectmen, yes.**
- 9 **Q. I'd ask you to take a look at that. Do you**
- 10 **recognize that as a letter that you wrote to the**
- 11 **board of selectmen?**
- 12 **A. I do.**
- 13 **Q. Is that a photocopy of your signature on the**
- 14 **second page?**
- 15 **A. It is.**
- 16 **MR. FOLLANSBEE: I'd ask that be marked**
- 17 **as the first exhibit.**
- 18 **(Exhibit No. 1 ID marked.)**
- 19 **Q. Now, directing your attention to what has been**
- 20 **marked Exhibit No. 1, do you recall the issue**
- 21 **that prompted you to write this letter to the**
- 22 **board of selectmen?**
- 23 **A. Do you mind if I read this?**
- 24 **Q. No. Take your time. Yes, by all means.**

- 1 **A. Okay. Yes.**
- 2 **Q. So having had a chance to review the two-page**
- 3 **letter which is Exhibit No. 1, can you tell me**
- 4 **what the issue was as far as you were concerned?**
- 5 **A. Well, I think I mention a couple of issues, but**
- 6 **I think the primary issue that prompted my**
- 7 **writing the letter was a change in the policy**
- 8 **regarding tee times.**
- 9 **Q. And the change in the policy was that tee times**
- 10 **would be made available on a weekend for 9 holes**
- 11 **specifically rather than 18 holes; is that**
- 12 **essentially it?**
- 13 **A. Essentially that's correct, yes.**
- 14 **Q. And you understood -- having seen the letter**
- 15 **now, do you recall that you had been a member**
- 16 **there for some five years before you wrote this**
- 17 **letter?**
- 18 **A. I do, yes. I'm sorry.**
- 19 **Q. That's okay.**
- 20 **And you describe yourself as an avid**
- 21 **golfer and someone who golfed regularly at North**
- 22 **Hill Country Club?**
- 23 **A. A-huh. It's true.**
- 24 **Q. Now, do you remember how much you were paying a**

- 1 year for your membership?
- 2 **A. I do not.**
- 3 **Q. Was it less than \$1,000?**
- 4 **A. I think that's a fair statement. Yes.**
- 5 **Q. Did you explore, during the period from 1999 up**
- 6 **to 2004, joining any 18 hole courses?**
- 7 **A. Not that I recall.**
- 8 **Q. Were you familiar with the rate structure for**
- 9 **membership at a 18 hole course?**
- 10 **A. Not really, no.**
- 11 **Q. So before writing this letter, did you review**
- 12 **the contract between Johnson Golf and the Town**
- 13 **of Duxbury?**
- 14 **A. I don't recall.**
- 15 **Q. Well, you make certain references in the letter**
- 16 **to the fact that the contract has certain**
- 17 **provisions. Had you obtained a copy of that**
- 18 **contract before you wrote the letter?**
- 19 **A. I don't recall. I may have had a copy of the**
- 20 **contract. I don't recall.**
- 21 **Q. Do you have any memory of what the contract said**
- 22 **or didn't say with regard to, for instance, the**
- 23 **fifth paragraph on Page 1. You make reference**
- 24 **to Exhibit C, the operational plan which is part**

- 1 of the management agreement. Have you been
- 2 provided with a copy of Exhibit C?
- 3 **A. Well, based on what is said in the letter, I**
- 4 **would say I probably had.**
- 5 **Q. Where did you get a copy of the contract?**
- 6 **A. I don't recall.**
- 7 **Q. Did you have any -- do you know who the**
- 8 **selectmen were when you wrote this letter to the**
- 9 **board of selectmen in 2004?**
- 10 **A. I think I know at least who a couple of them**
- 11 **were. I may --**
- 12 **Q. What's your memory of as to who they were?**
- 13 **A. I think Betsy Sullivan and Andre Martecchini.**
- 14 **I'm not sure who the other one might have been**
- 15 **at that time.**
- 16 **Q. Did you have any -- after submitting this letter**
- 17 **on January, on or about January 6th of 2004, did**
- 18 **you receive any written response from anybody at**
- 19 **the board of selectmen?**
- 20 **A. I don't believe so, no.**
- 21 **Q. Did you have any conversation with any of the**
- 22 **selectmen about the subject matter of your**
- 23 **letter?**
- 24 **A. No.**

- 1 **Q. Shortly after writing this letter, you submitted**
- 2 **an application to become a member of the North**
- 3 **Hill Advisory Committee; is that correct?**
- 4 **A. I honestly don't recall exactly when I submitted**
- 5 **my application to a member of the committee.**
- 6 **Q. What was your -- did you have any purpose in**
- 7 **seeking a position on the North Hill Advisory**
- 8 **Committee?**
- 9 **A. A position?**
- 10 **MR. JORDAN: Objection.**
- 11 **MR. KESTEN: What does that mean?**
- 12 **MR. FOLLANSBEE: Did he have any purpose?**
- 13 **What was his purpose?**
- 14 **MR. KESTEN: Why did he do it?**
- 15 **MR. FOLLANSBEE: Why did he do it?**
- 16 **A. I did it just because I was concerned about the**
- 17 **facility. I played golf there and I wanted to**
- 18 **provide some input.**
- 19 **Q. What was your understanding of the role of the**
- 20 **North Hill Advisory Committee?**
- 21 **A. At that time?**
- 22 **Q. Yes.**
- 23 **A. I'm not sure that I had a clear understanding at**
- 24 **that time.**

- 1 **Q. Once you submitted an application and/or were**
- 2 **designated as a member of the North Hill**
- 3 **Advisory Committee by the board of selectmen,**
- 4 **did you come to a better understanding as to**
- 5 **what the role of the North Hill Advisory**
- 6 **Committee was?**
- 7 **A. I did.**
- 8 **Q. In 2004 after you became a member of the North**
- 9 **Hill Advisory Committee, what was your**
- 10 **understanding as to the role of the committee?**
- 11 **A. To advise the board of selectmen. Well, to**
- 12 **monitor the operations of the golf course and**
- 13 **make recommendations to the board of selectmen.**
- 14 **Q. And, actually, one of your recommendations as**
- 15 **characterized in Exhibit 1 you made before you**
- 16 **became a committee member; is that correct?**
- 17 **A. I'm not sure what you're referring to.**
- 18 **Q. Well, is it fair to say that your letter was**
- 19 **certainly stating your position, that the policy**
- 20 **of 9 hole tee times should be withdrawn and 18**
- 21 **hole tee times should be permitted for members?**
- 22 **A. That's fair to say.**
- 23 **Q. Is it fair to say that that was one of the**
- 24 **reasons that you volunteered to go to the**

- 1 committee was to put in effect that policy?
- 2 Correct?
- 3 **A. No.**
- 4 **Q.** That's not fair to say?
- 5 **A. No.**
- 6 **Q.** Are you familiar with a group referred to as
- 7 North Hill Men's Association?
- 8 **A. I am.**
- 9 **Q.** Were you a member of that association in January
- 10 of 2004?
- 11 **A. I don't recall. I may have been.**
- 12 **Q.** If not then, did you subsequently become a
- 13 member of the North Hill Men's Association?
- 14 **A. I was a member of that association, certainly**
- 15 **for a good several years anyway.**
- 16 **Q.** Could you tell us what the North Hill Men's
- 17 Association was? Or is? Was. Let's say what
- 18 was it in 2004 to 2006?
- 19 **A. It was a group of guys that regularly played at**
- 20 **North Hill that organized for purposes of**
- 21 **putting together tournaments and league play.**
- 22 **Q.** Did they -- was that part of the -- were they
- 23 the folks who were in the Thursday night league,
- 24 as well?

- 1 **A. Most of the guys were involved in the Thursday**
- 2 **night league, yes.**
- 3 **Q.** In addition, did they regularly play on Saturday
- 4 and Sunday mornings?
- 5 **A. Lots of them did, yes.**
- 6 **Q.** They would run tournaments throughout the year?
- 7 **A. Correct.**
- 8 **Q.** They'd have member-guest tournaments?
- 9 **A. Correct.**
- 10 **Q.** And they'd also have member-member tournaments?
- 11 **A. Yes.**
- 12 **Q.** Did you play regularly in that group?
- 13 **A. Whenever I could.**
- 14 **Q.** Do you know how many men were in the North Hill
- 15 Men's Association, say from 2004 to 2006?
- 16 **A. I'd be guessing.**
- 17 **Q.** What's your best estimate as to how many fellows
- 18 would be involved?
- 19 **A. 40, 50 maybe.**
- 20 **Q.** Out of the 40 or 50, do you know how many of
- 21 them were also permit holders at North Hill
- 22 Country Club?
- 23 **A. I don't.**
- 24 **Q.** You understand when I say permit holder, that's

- 1 essentially what a member is there, correct?
- 2 **A. That would be my definition, yeah.**
- 3 **Q.** So the difference is, a permit hold or a member,
- 4 they pre-pay their greens fees at the beginning
- 5 of the year, correct?
- 6 **A. Yes.**
- 7 **Q.** And then they would have -- they could play as
- 8 much golf as they want but they didn't have to
- 9 pay daily fees; is that correct?
- 10 **A. Yes.**
- 11 **Q.** Did they also, as a result of being a permit
- 12 holder, did that provide the individual with a
- 13 right to make tee times in advance?
- 14 **A. I think that's true, yes.**
- 15 **Q.** Did they actually get a benefit in that they
- 16 could make a tee time before the members of the
- 17 general public could?
- 18 **A. I think that is correct, yes.**
- 19 **Q.** Is that how you'd arrange your golf, so as to
- 20 make a tee time ahead of time?
- 21 **A. Sometimes you make a tee time and sometimes you**
- 22 **just show up.**
- 23 **Q.** Now, in the first sentence of your letter which
- 24 is Exhibit Number 1, you reference the fact that

- 1 there was a good deal of dismay with Johnson
- 2 Golf Management among a number of the people who
- 3 utilize the facility.
- 4 Who were the members and residents that
- 5 had a good deal of dismay with Johnson Golf
- 6 Management?
- 7 **A. Are you asking me for names?**
- 8 **Q.** Yes.
- 9 **A. I mean, I could give you a few names. I can't**
- 10 **exactly remember who the entire group might have**
- 11 **been at that time.**
- 12 **Q.** Give me the names that you do remember.
- 13 **A. Mike Marlborough, Larry Martin, Tom Zaminski. I**
- 14 **don't know. I can't say specifically that they**
- 15 **were members of the organization, though. I**
- 16 **believe they were but --**
- 17 **Q.** But they were people who utilized the facility,
- 18 correct?
- 19 **A. They were, and they were people that I played**
- 20 **golf with.**
- 21 **Q.** And as far as playing golf, did the -- was it
- 22 the custom and practice that the Men's
- 23 Association would block out a bunch of tee times
- 24 and fellows would just show up and play?

- 1 **A. I can't recall that being the case, no.**  
 2 **Q.** Were tee times on the weekend mornings blocked  
 3 out for the Men's Association?  
 4 **A. I'm not sure they blocked out -- that tee times**  
 5 **were blocked out for the Men's Association or**  
 6 **that specific individuals just made a tee time.**  
 7 **Q.** Well, if on the times where you would just show  
 8 up to play, how would you know that you'd be  
 9 able to get out?  
 10 **A. Didn't always know.**  
 11 **Q.** Were there ever occasions where you got there  
 12 and you couldn't play?  
 13 **A. I don't recall.**  
 14 **Q.** Now, considering the fact that North Hill  
 15 Country Club is a 9 hole golf course, was it  
 16 your understanding that you should be entitled  
 17 to make an 18 hole tee time rather than a 9 hole  
 18 tee time?  
 19 **A. Well, that was the customary practice.**  
 20 **Q.** And where did that customary practice come from?  
 21 **A. I'm not sure I understand.**  
 22 **Q.** How long had that been the custom?  
 23 **A. You're speaking at North Hill?**  
 24 **Q.** Yes.

- 1 **A. I honestly don't know.**  
 2 **Q.** Did you understand it to be somehow unfair that  
 3 you'd be limited to a 9 hole tee time at a 9  
 4 hole golf course?  
 5 MR. JORDAN: Objection.  
 6 **Q.** You can answer.  
 7 **A. I believe that's what I indicated.**  
 8 **Q.** Why is that unfair?  
 9 **A. Because in my mind, a round of golf is 18 holes.**  
 10 **Q.** And was it your understanding that by paying the  
 11 advance fee for the year, you'd be entitled to  
 12 18 holes every time you played golf?  
 13 **A. Well, I think that when I paid a membership, I**  
 14 **think what I expected was I could play golf when**  
 15 **I wanted to play golf providing the times were**  
 16 **available.**  
 17 **Q.** Isn't that precisely what the tee times policy  
 18 said, if the tee times were available you could  
 19 play a second 9?  
 20 **A. I don't remember the specific language of the**  
 21 **policy.**  
 22 **Q.** With regard to when the policy entered into  
 23 effect, were you still able to play 18 holes on  
 24 the weekends?

- 1 **A. According to policy?**  
 2 **Q.** Yes.  
 3 **A. If -- according to the policy, if after you**  
 4 **played 9 holes and there was time available you**  
 5 **could.**  
 6 **Q.** And you might have a little of bit of delay,  
 7 then you'd get out. Is that essentially what  
 8 the policy was?  
 9 **A. I think that's what the policy was, yes.**  
 10 **Q.** And is that what went into effect?  
 11 **A. I believe that that's true.**  
 12 **Q.** And as a result of that, did you continue to  
 13 play golf there during the years after January  
 14 1st of 2004 with the North Hill Men's  
 15 Association?  
 16 **A. I continued to play there. I don't really**  
 17 **remember how long that association continued**  
 18 **there. The association dissolved at some point.**  
 19 **Q.** With regard to your use of the facility as you  
 20 continued to play there after January of 2004,  
 21 were you able to play 18 holes on weekend  
 22 mornings?  
 23 **A. I believe that that is true. I don't**  
 24 **specifically recall not being allowed to play 18**

- 1 **holes.**  
 2 **Q.** Did the group that was the North Hill Men's  
 3 Association or the fellows that comprised that  
 4 association, did they go play at some other  
 5 facility?  
 6 **A. Some of them did I believe, yes.**  
 7 **Q.** Do you remember them playing at a course called  
 8 CrossWinds down in Plymouth?  
 9 **A. Yes, I do.**  
 10 **Q.** Did you ever join them to play down there?  
 11 **A. I did play down there, yeah.**  
 12 **Q.** How long did you play down there?  
 13 **A. Well, I mean, I have played there a number of**  
 14 **times over the years.**  
 15 **Q.** I'm -- maybe I wasn't clear. As far as playing  
 16 with the group, the North Hill Men's Association  
 17 or the fellows that comprised that group, did  
 18 you play down there with them at CrossWinds?  
 19 **A. I think that the group played down there for one**  
 20 **year, yeah.**  
 21 **Q.** And did you participate?  
 22 **A. From time to time, yeah.**  
 23 **Q.** After CrossWinds, did the group play at Green  
 24 Harbor in Marshfield?

- 1 **A. Not that I know of.**  
 2 **Q.** Did you play over at Green Harbor?  
 3 **A. I've played at Green Harbor, yes.**  
 4 **Q.** But not with that group?  
 5 **A. I don't think so.**  
 6 **Q.** In the calendar year 2009, did you play at North  
 7 Hill?  
 8 **A. I don't think so.**  
 9 **Q.** Why didn't you play at North Hill in 2009?  
 10 **A. I just decided to play other places.**  
 11 **Q.** Where did you play?  
 12 **A. I played at Green Harbor.**  
 13 **Q.** Did you get a membership at Green Harbor?  
 14 **A. No, I didn't.**  
 15 **Q.** Do you know if they have memberships at Green  
 16 Harbor?  
 17 **A. I honestly don't know.**  
 18 **Q.** Did you ever seek a membership at any place  
 19 other than North Hill?  
 20 **A. No.**  
 21 **Q.** Did you look into the pricing of memberships at  
 22 anywhere other than North Hill?  
 23 **A. Not that I recall.**  
 24 **Q.** In 2010 did you play at North Hill?

- 1 **A. I don't think so.**  
 2 **Q.** Where did you play golf in 2010?  
 3 **A. I didn't -- I played sometimes at Green Harbor.**  
 4 **I played at a number of different places. I**  
 5 **didn't play at any one particular club.**  
 6 **Q.** What other courses? Well, let's go back to  
 7 2009.  
 8 Did you play most of your golf for the  
 9 2009 season at Green Harbor?  
 10 **A. I think that's probably true, yeah.**  
 11 **Q.** Was that also true in 2010?  
 12 **A. I may have played the majority there. I can't**  
 13 **really recall how many times I played there.**  
 14 **Q.** What other courses did you play in 2010?  
 15 **A. Anywhere I got invited. Number of different**  
 16 **places, I guess.**  
 17 **Q.** Can you give us an example of two or three where  
 18 you got invited?  
 19 **A. Yeah. I probably played at Halifax, Pembroke.**  
 20 **I may have played at Pinehills once or twice.**  
 21 **You know, I could probably name a dozen places I**  
 22 **might have played once. I'm not sure exactly**  
 23 **when I played there.**  
 24 **Q.** The three that you just have mentioned, you may

- 1 have played more than once at those places?  
 2 **A. That's probably fair to say.**  
 3 **Q.** As far as Pembroke, that is some five or six  
 4 miles from North Hill; is that right?  
 5 **A. Yeah. I don't know the exact mileage.**  
 6 **Q.** It's the next town over to Duxbury?  
 7 **A. It's adjacent to Duxbury.**  
 8 **Q.** That's an 18 hole facility?  
 9 **A. Yes.**  
 10 **Q.** Is the public invited to that course?  
 11 **A. Yes.**  
 12 **Q.** Can you get memberships at that course?  
 13 **A. I believe so.**  
 14 **Q.** Do you know how much a membership costs at --  
 15 **A. I do not.**  
 16 **Q.** Did you ever either individually or as a member  
 17 of the North Hill Advisory Committee either try  
 18 to determine what comparable prices were for  
 19 local public golf courses?  
 20 **A. Well, as a member of the North Hill Advisory**  
 21 **Committee I know at one point we surveyed**  
 22 **pricing at different golf courses, yes.**  
 23 **Q.** Do you remember the golf courses that you  
 24 surveyed?

- 1 **A. There was probably 20 of them. I don't exactly**  
 2 **remember what they were.**  
 3 **Q.** Were some 18 holes and some 9 holes?  
 4 **A. I think that the committee had attempted to get**  
 5 **9 hole courses for the most part, just for**  
 6 **purposes of evaluating pricing for North Hill.**  
 7 **Q.** Was it your understanding that a membership at a  
 8 9 hole course was cheaper than a membership at  
 9 an 18 hole course?  
 10 **A. I don't really know that that's specifically**  
 11 **true.**  
 12 **Q.** Why?  
 13 **A. It may have more to do with a municipal course**  
 14 **versus a privately owned course in terms of**  
 15 **pricing.**  
 16 **Q.** As far as municipal courses, did you get  
 17 comparables or did you obtain pricing structures  
 18 from other municipal courses in Massachusetts?  
 19 **A. Yes.**  
 20 **Q.** Do you know any of those courses?  
 21 **A. Well, one that comes to mind is Strawberry**  
 22 **Valley because it's nearby.**  
 23 **Q.** And Strawberry Valley was located -- is located  
 24 in Abington, Mass?

- 1 **A. Yeah. I believe that's true.**  
 2 **Q.** That's a 9 hole course; is that correct?  
 3 **A. I believe so.**  
 4 **Q.** And they don't have memberships there; is that  
 5 correct?  
 6 **A. I don't -- I don't recall.**  
 7 **Q.** Were there any other courses that you can recall  
 8 where you attempted to get pricing?  
 9 **A. There were. I can't give you the exact specific**  
 10 **names, but like I said, the committee was**  
 11 **investigating pricing for the purpose of**  
 12 **determining what the market was in terms of**  
 13 **pricing.**  
 14 **Q.** Did the committee look at the municipal course  
 15 located in Hingham known as South Shore Country  
 16 Club?  
 17 **A. I don't specifically recall. We may have.**  
 18 **Q.** Do you know, is that an 18 hole or a 9 hole  
 19 course?  
 20 **A. South Shore, an 18 hole course.**  
 21 **Q.** Do they offer memberships?  
 22 **A. I believe so.**  
 23 **Q.** Did you ever endeavor to find out how much the  
 24 Town of Hingham was charging for memberships?

- 1 **A. I didn't, no.**  
 2 **Q.** Do you know if anyone else on the committee did?  
 3 **A. I believe they may have.**  
 4 **Q.** Did they report back to you?  
 5 **A. Well, they didn't report specifically to me, but**  
 6 **they -- if they did, then they provided that**  
 7 **information to the committee.**  
 8 **Q.** And are you currently the chairman of the  
 9 committee?  
 10 **A. I am.**  
 11 **Q.** How long have you been chairman?  
 12 **A. I think about four years.**  
 13 **Q.** I'm showing you a letter captioned as a "Letter  
 14 To The Editor" indicating it was received by the  
 15 Town of Duxbury Recreation Department on January  
 16 13, 2004. I'd ask you to review that and I'll  
 17 ask a few questions about it.  
 18 (Witness complies.)  
 19 **Q.** Having had a chance to review the document, do  
 20 you recall sending that letter to the editor of  
 21 the *Duxbury Clipper* newspaper?  
 22 **A. No.**  
 23 **Q.** On the second page it indicates that you're one  
 24 of the individuals submitting the letter. Did

- 1 you -- do you recall submitting this letter to  
 2 the Town of Duxbury Recreation Department?  
 3 **A. No.**  
 4 **Q.** You have no memory of this at all?  
 5 **A. I recognize the letter. I didn't submit it.**  
 6 **Q.** Did you authorize your name to be added to it?  
 7 **A. I did.**  
 8 **Q.** Who submitted the letter?  
 9 **A. I don't recall.**  
 10 **Q.** But whoever it was, you authorized your name to  
 11 be attached to the letter?  
 12 **A. I did.**  
 13 **MR. FOLLANSBEE: I'd ask that be marked**  
 14 **as the next exhibit, please.**  
 15 (Exhibit No. 2 ID marked.)  
 16 **Q.** Sir, directing your attention to what's been  
 17 marked as Exhibit Number 2, is the essence of  
 18 the complaint articulated in this letter the  
 19 same as the issue described in Exhibit No. 1,  
 20 your letter to the board of selectmen?  
 21 **A. Yeah. That appears to be the case.**  
 22 **Q.** Now, at the bottom of the page of Page 1 you --  
 23 the letter indicates that as members of an  
 24 organization you're being discriminated against

- 1 by an outside agency. What was the essence of  
 2 the discrimination that is being alleged?  
 3 **A. I don't know. You'd have to ask the person who**  
 4 **wrote it.**  
 5 **Q.** Do you know who wrote it?  
 6 **A. I don't.**  
 7 **Q.** Did you feel you were being discriminated  
 8 against?  
 9 **A. I don't know if discrimination is the proper**  
 10 **terminology.**  
 11 **Q.** On the second page of the letter, the second  
 12 paragraph, the letter indicates that the current  
 13 membership was disappointed with the decisions  
 14 of town counsel and town management. And the  
 15 disappointment that's articulated is that the  
 16 policies being implemented were going to create  
 17 a profit for Johnson Golf Management.  
 18 Is that one of the problem areas that you  
 19 saw, that there was going to be an additional  
 20 profit for Johnson Golf Management?  
 21 **MR. JORDAN: Objection. Can you rephrase**  
 22 **that.**  
 23 **MR. KESTEN: Are you asking him to**  
 24 **interpret the letter?**



- 1 MR. FOLLANSBEE: I'm asking if that was  
2 his understanding of what the complaint was.  
3 MR. KESTEN: What the letter says?  
4 MR. FOLLANSBEE: What the issue was that  
5 they were complaining about.  
6 **A. Could you ask me it again, the question.**  
7 **Q.** Sure.  
8 Was part of your dissatisfaction in  
9 authorizing your name to be affixed to the  
10 letter the fact that Johnson Golf Management was  
11 going to have increased profits based on their  
12 tee time policy?  
13 **A. No.**  
14 **Q.** Did you read this letter before you authorized  
15 your name to be affixed to it?  
16 **A. I believe I did, yeah.**  
17 **Q.** Did you agree with what's in the letter?  
18 **A. I agreed with the tee time policy. I didn't**  
19 **write the letter so I'm not --**  
20 **Q.** So is it fair to say that you had a complaint  
21 and your complaint was the tee time policy and  
22 that's about it?  
23 **A. At that particular time, that was probably true.**  
24 **Q.** At some other time did you have different issues

- 1 that you were upset about?  
2 MR. KESTEN: With Johnson Golf  
3 Management, you mean?  
4 MR. FOLLANSBEE: Yes. At North Hill  
5 Country Club.  
6 **A. Yeah. They were different at different times.**  
7 **Q.** Did you have problems prior to 2004 with Johnson  
8 Golf Management?  
9 **A. I don't specifically recall.**  
10 **Q.** Did you have any problems subsequent to 2004  
11 with Johnson Golf Management?  
12 **A. I believe that's true, yeah.**  
13 **Q.** Other than the tee time policy, are there any  
14 other issues that you recall that you had a  
15 problem with Johnson Golf on?  
16 **A. Again? I'm sorry. Again?**  
17 **Q.** Yes. After 2004, other than the tee time policy  
18 issue, did you have any problems with Johnson  
19 Golf Management?  
20 **A. What's a problem?**  
21 **Q.** Well, why don't you -- were there issues that  
22 came up that you had a disagreement with the  
23 policies and procedures of Johnson Golf  
24 Management at the North Hill Country Club?

- 1 **A. I think that's a fair statement.**  
2 **Q.** What policies and procedures did you have a  
3 problem with?  
4 **A. I just -- I felt that in general that management**  
5 **would change the policies as they saw fit**  
6 **without consulting the town.**  
7 **Q.** You felt that's what they would do?  
8 **A. Yes.**  
9 **Q.** Did that ever come up, that they did something  
10 that you disagreed with other than the tee time  
11 policy?  
12 **A. Well, yes.**  
13 **Q.** Are there any specific examples of anything  
14 other than the tee time policy that Johnson Golf  
15 Management did at North Hill that you disagreed  
16 with?  
17 **A. Yes.**  
18 **Q.** And what are those?  
19 **A. Well, not necessarily something -- when you say**  
20 **a policy, as a member of the North Hill Advisory**  
21 **Committee there were things that I felt that**  
22 **they didn't comply with, so not necessarily.**  
23 **Q.** Are these contractual issues you're talking  
24 about?

- 1 **A. Yeah.**  
2 **Q.** Sir, I am showing you what has been identified  
3 as the management contract that went into effect  
4 in 1999 between the Town of Duxbury and Johnson  
5 Golf Management previously identified, and just  
6 ask you if you have been provided with a copy of  
7 that management agreement before?  
8 **A. Yes, I have.**  
9 **Q.** When you say you had differences of opinion with  
10 Johnson Golf regarding the contract between  
11 Duxbury and Johnson Golf, is this the contract  
12 that you're referring to?  
13 **A. I believe that's correct.**  
14 **Q.** Just for identification, this is the contract  
15 that was in effect from 1999 until December 31,  
16 2008?  
17 **A. It looks like it.**  
18 **MR. FOLLANSBEE: I'd ask that be marked**  
19 **as the next exhibit.**  
20 (Exhibit No. 3 ID marked.)  
21 **Q.** Do you recall any specific disagreement of a  
22 contractual nature that you had with Johnson  
23 Golf Management?  
24 **A. I can think of a couple, I suppose.**

- 1 Q. What are the ones you can think of?
- 2 A. **They were supposed to have a golf pro and they**
- 3 **were supposed to provide the town with audited**
- 4 **financial statements. Those are just a couple,**
- 5 **I guess, that come to mind.**
- 6 Q. Is there any year that you believe they did not
- 7 have a golf pro?
- 8 A. **I believe so, yeah.**
- 9 Q. What year was that?
- 10 A. **I don't know what year. I can't tell you the**
- 11 **exact year, but a number of years during the**
- 12 **period of that contract.**
- 13 Q. And this was while you were a member of the
- 14 North Hill Advisory Committee?
- 15 A. **Yeah. Yes.**
- 16 Q. So that would be roughly from 2004 to the
- 17 present?
- 18 A. **That's when I was a member of North Hill I**
- 19 **think. 2004, I'm not sure if I joined the**
- 20 **committee in 2004 or 2005.**
- 21 Q. But from the time you joined the committee until
- 22 the end of Johnson Golf's term there --
- 23 A. **Yes.**
- 24 Q. -- you have a belief that there was some years

- 1 they didn't have a golf pro?
- 2 A. **Correct.**
- 3 Q. You don't know what years those were?
- 4 A. **I think all of them.**
- 5 Q. Did you know a fellow by the name of William
- 6 Allen?
- 7 A. **Yeah, I do.**
- 8 Q. Goes by the name of Bill Allen?
- 9 A. **Yeah. I think he owns a company, Bill Allen**
- 10 **Golf.**
- 11 Q. Do you know what his occupation is?
- 12 A. **Golf pro, I guess.**
- 13 Q. Do you know where he worked?
- 14 A. **Well, he worked for himself. I think he was**
- 15 **self-employed.**
- 16 Q. Did he -- was he the golf pro at North Hill
- 17 Country Club?
- 18 A. **Not that I know.**
- 19 Q. You never saw him there?
- 20 A. **I might have seen him there a couple of times.**
- 21 Q. Are you familiar -- I mean, are you familiar
- 22 with the junior program that he ran at North
- 23 Hill Country Club?
- 24 A. **I am, yeah. He did run a program, yeah.**

- 1 Q. But you didn't think he worked there?
- 2 A. **No, I didn't.**
- 3 Q. Now, as a member of the North Hill Advisory
- 4 Committee and as the chairman of the North Hill
- 5 Advisory Committee for the last four years, did
- 6 you contact anybody at Johnson Golf Management
- 7 to express your dissatisfaction with the fact
- 8 that there was no golf pro there?
- 9 A. **Did I personally? No, I did not.**
- 10 Q. Did the board or did the North Hill Advisory
- 11 Committee ever contact Johnson Golf Management
- 12 to complain about the fact that there was no
- 13 golf pro?
- 14 A. **I don't think that the committee directly**
- 15 **contacted Johnson Golf Management about anything**
- 16 **directly.**
- 17 Q. Did they contact Johnson Golf Management
- 18 indirectly?
- 19 A. **Well, the committee's role is to make**
- 20 **recommendations to the board of selectmen.**
- 21 Q. So the committee had no -- well, strike that.
- 22 Did the committee have monthly meetings?
- 23 A. **We were supposed to have monthly meetings.**
- 24 Q. When you joined the board in 2004, was it your

- 1 understanding that they were having monthly
- 2 meetings?
- 3 A. **There were monthly meetings scheduled. We**
- 4 **didn't always have them.**
- 5 Q. On average each year, how many monthly meetings
- 6 do you think the board had?
- 7 A. **From what period of time?**
- 8 Q. Why don't we start with when you first joined
- 9 the board in 2004.
- 10 A. **I'd be guessing.**
- 11 Q. What's your best estimate?
- 12 A. **I can't tell you exactly.**
- 13 Q. Well, you're still on the board right now,
- 14 correct?
- 15 A. **I am.**
- 16 Q. In 2011, how many monthly meetings have you had?
- 17 A. **We haven't had -- I'm not sure we've had a**
- 18 **meeting this year.**
- 19 Q. In 2010 do you know how many monthly meetings
- 20 you had?
- 21 A. **Perhaps four or five.**
- 22 Q. And in 2009 do you know how many you had?
- 23 A. **I don't.**
- 24 Q. Did you have any in 2009?

- 1 **A. We did, yeah.**  
 2 **Q.** More than a half dozen?  
 3 **A. At least a half dozen, I would say.**  
 4 **Q.** In 2008 did you have any monthly meetings?  
 5 **A. Yes.**  
 6 **Q.** How many did you have in 2008?  
 7 **A. I don't -- six, eight. I don't know.**  
 8 **Q.** And in 2007 did you have monthly meetings?  
 9 **A. I believe so, yes.**  
 10 **Q.** How many in 2007?  
 11 **A. I really don't recall.**  
 12 **Q.** Where were the monthly meetings taking place?  
 13 **A. We have -- they are scheduled usually at the**  
 14 **Girl Scout House which is where the Recreation**  
 15 **Department is.**  
 16 **Q.** If you have meetings, that's where they're  
 17 conducted?  
 18 **A. Generally speaking, yes.**  
 19 **Q.** Is there any other place where you'd have the  
 20 meetings?  
 21 **A. The only other place I think we have had a**  
 22 **meeting is the town manager's office.**  
 23 **Q.** When is the last time you had a meeting at the  
 24 town manager's office?

- 1 **A. I don't recall.**  
 2 **Q.** In the last two or three years?  
 3 **A. Yes. I believe we've probably had one or two**  
 4 **there in the last two or three years.**  
 5 **Q.** Now, as the chairman of the committee, why is it  
 6 that you haven't had any meetings in 2011?  
 7 **A. We haven't had any business to conduct.**  
 8 **Q.** Is the golf course open?  
 9 **A. It is.**  
 10 **Q.** And is there a management contract in place?  
 11 **A. I believe there is, yes.**  
 12 **Q.** Is it your understanding that there is supposed  
 13 to be monthly meetings with the manager of the  
 14 golf course?  
 15 **A. To be honest with you, I haven't seen the new**  
 16 **management contract so I can't tell you what it**  
 17 **says.**  
 18 **Q.** Have you made any efforts to get a copy of the  
 19 new management contract?  
 20 **A. I haven't.**  
 21 **Q.** Why is that?  
 22 **A. I just haven't had the need.**  
 23 **Q.** Why -- well, I'm a little confused. You're the  
 24 chairman of the North Hill Advisory Committee

- 1 and you have the interaction as a committee  
 2 member and as a chairman with the company that  
 3 runs the golf course for the town, correct?  
 4 **A. With the company that runs the golf course**  
 5 **presently, we haven't had any contact with them.**  
 6 **Q.** And did you have contact with Johnson Golf when  
 7 they were running the golf course?  
 8 **A. At different times, you know, we had meetings**  
 9 **with Johnson Golf Management who would attend**  
 10 **the meetings, yes.**  
 11 **Q.** They'd be invited to your monthly meetings; is  
 12 that right?  
 13 **A. That's right.**  
 14 **Q.** They submitted financial reports to you at your  
 15 monthly meetings, correct?  
 16 **A. They would.**  
 17 **Q.** Is it your understanding that under the current  
 18 contract there is no requirement to submit  
 19 monthly financials?  
 20 **A. I don't have any understanding of the current**  
 21 **contract. I haven't seen it so I can't really**  
 22 **say.**  
 23 **Q.** Do you intend on have any meetings this year for  
 24 the North Hill Advisory Committee?

- 1 **A. That's a question for the town manager and the**  
 2 **Recreation Department director.**  
 3 **Q.** So you're not going to schedule any meetings  
 4 until they tell you to do that?  
 5 **A. Yes. I'm waiting for them to tell me.**  
 6 **Q.** When's the last time you talked to either the  
 7 town manager or the recreation director about  
 8 the North Hill Advisory Committee?  
 9 **A. I don't specifically recall.**  
 10 **Q.** Have you talked to either one of them within the  
 11 past two months?  
 12 **A. I may have spoken to Gordon Cushing within the**  
 13 **last two months.**  
 14 **Q.** What did you talk to Gordon about?  
 15 **A. Just whether or not we were going to have --**  
 16 **when we were going to have a meeting and --**  
 17 **Q.** What did he tell you?  
 18 **A. We were waiting for direction from the town**  
 19 **manager.**  
 20 **Q.** You indicated as to Johnson Golf when they were  
 21 operating pursuant to Exhibit Number 3 that you  
 22 had several issues. One of them we've talked  
 23 about, and the other was that -- the golf pro,  
 24 and the other was, you said, audited financials.

1 What was your understanding under the  
 2 contract of what was required by way of audited  
 3 financials?  
 4 **A. They were supposed to be -- my understanding was**  
 5 **that they were supposed to be supplied annually.**  
 6 **Q.** And was it your understanding that they were  
 7 supposed to be provided to you or to the town  
 8 manager?  
 9 **A. You know, I had no specific understanding of**  
 10 **whether it was to go to the committee. I don't**  
 11 **know what the specific language says.**  
 12 **Q.** And did you ever ask anyone in the town whether  
 13 or not they had copies of Johnson Golf's audited  
 14 financial statements?  
 15 **A. Yes.**  
 16 **Q.** Who did you ask?  
 17 **A. I would probably have spoken to Gordon Cushing**  
 18 **about that. Gordon was a member of the**  
 19 **committee.**  
 20 **Q.** Gordon was the recreation director?  
 21 **A. Correct.**  
 22 **Q.** And he still maintains that position?  
 23 **A. Correct.**  
 24 **Q.** And what did Gordon tell you about the audited

1 financials?  
 2 **A. We hadn't received them.**  
 3 **Q.** What year was that?  
 4 **A. Every year in the -- let me correct myself. In**  
 5 **the time that I was -- that I was on the**  
 6 **committee.**  
 7 **Q.** You've been on the committee since 2004?  
 8 **A. I have? Okay. 2004, 2005, I'm not exactly**  
 9 **sure.**  
 10 **Q.** Let's get to that.  
 11 MR. KESTEN: Mr. Johnson, knock off the  
 12 faces.  
 13 MR. JOHNSON: What?  
 14 MR. KESTEN: Knock off the faces, please.  
 15 MR. JOHNSON: What do you mean? I can  
 16 make any face I want, Lenny.  
 17 MR. KESTEN: I'd appreciate if you  
 18 wouldn't. It's not appropriate.  
 19 MR. JOHNSON: I'd appreciate if you  
 20 wouldn't, either.  
 21 MR. KESTEN: I'm not.  
 22 MR. JOHNSON: You're sitting back there  
 23 like this looking at your computer.  
 24 MR. KESTEN: I'm not commenting on the

1 deposition.  
 2 MR. JOHNSON: I'm not commenting on the  
 3 deposition.  
 4 MR. KESTEN: You're sneering at the  
 5 witness.  
 6 MR. JOHNSON: If I want to laugh at  
 7 somebody lying, I can laugh.  
 8 MR. KESTEN: Just stop it.  
 9 MR. JOHNSON: No. You just stop it. You  
 10 just stop it. I'm not putting up with any crap  
 11 from any of you people, believe me.  
 12 MR. KESTEN: That's about the best you've  
 13 got? You've got just "stop it"? Be a grown up.  
 14 MR. JOHNSON: You be a grown up. When is  
 15 Troy going to start acting grown up with all his  
 16 BS. I'm not putting up with any of this crap.  
 17 Give me a break. Biggest liar in America.  
 18 MR. JORDAN: He's lied?  
 19 MR. JOHNSON: Stop. He's lied. Yeah.  
 20 He knows it, too.  
 21 **Q.** (By Mr. Follansbee) I'm showing what purports to  
 22 be the minutes to a meeting held on April 14,  
 23 2004 of the North Hill Advisory Committee, and  
 24 if you look at Page 2 on other business it

1 mentions that effective July 1, 2004 there was a  
 2 recommendation that you be added to the  
 3 committee.  
 4 Is that your memory of approximately when  
 5 you were added to the committee?  
 6 **A. No. It isn't my memory, but if it says it, I**  
 7 **believe it.**  
 8 MR. KESTEN: You get an A in witness  
 9 school.  
 10 **Q.** All right. We don't need to add that one in.  
 11 So from 2004 through 2010, how many times  
 12 did you request audited financial statements  
 13 from Mr. Gordon Cushing regarding Johnson Golf  
 14 Management at the North Hill Golf Course?  
 15 **A. I didn't request Gordon give me anything.**  
 16 **Q.** How many times did you ask anyone from Johnson  
 17 Golf to provide audited financial statements  
 18 during those six years?  
 19 **A. I didn't ask anyone from Johnson Golf.**  
 20 **Q.** Did you write any letters to anybody from  
 21 Johnson Golf saying please provide audited  
 22 financial statements?  
 23 **A. Did I? I did not.**  
 24 **Q.** Did anyone on the committee, to your knowledge,

- 1 do that?
- 2 **A. Not to my knowledge.**
- 3 **Q.** Did you talk to anyone at the town manager's  
4 office during those six years to see if audited  
5 financial statements had been provided?
- 6 **A. I may have asked but the only information I**  
7 **would have about that is I would have asked**  
8 **Gordon if they had been received.**
- 9 **Q.** When was the last time you remember asking  
10 Gordon that question?
- 11 **A. I think I stopped asking.**
- 12 **Q.** Did you ever see an audited financial statement  
13 from Johnson Golf?
- 14 **A. I didn't, no. I did not.**
- 15 **Q.** Now, other than -- you indicated there were two  
16 contractual issues that you had problems with  
17 Johnson Golf about, one was the golf pro and the  
18 other one was the audited financials.
- 19 Were there any other issues regarding the  
20 contract between the Town of Duxbury and Johnson  
21 Golf Management that you had a problem with?
- 22 **A. You know, I suppose I probably did. I don't**  
23 **really recall specifically. It's been a long**  
**time since I've given it any thought, to be**

- 1 **honest.**
- 2 **Q.** So as you sit here today there's nothing that  
3 comes to your mind regarding that?
- 4 **A. As I sit here today, no, nothing.**
- 5 **Q.** I may have the wrong individual. Did you have  
6 an issue with Johnson Golf terminating one of  
7 the managers at North Hill Country Club, a  
8 fellow by the name of Tyler?
- 9 **A. No.**
- 10 **Q.** You never had a problem with that?
- 11 **A. I didn't have a problem with it.**
- 12 **Q.** You knew that he had been let go?
- 13 **A. I did, yes.**
- 14 **Q.** You never made a complaint about that?
- 15 **A. No, I didn't.**
- 16 **Q.** Now, in 2008 as a member of the North Hill  
17 Advisory Committee, did you have a role in  
18 preparing a new Request For Proposals for the  
19 next contract at North Hill Country Club?
- 20 **A. As a member of the committee, yes. We, the**  
21 **committee, made recommendations.**
- 22 **Q.** To whom did you make the recommendations?
- 23 **A. The board of selectmen and the town manager.**
- 24 **Q.** With regard to your recommendations, meaning the

- 1 committee's recommendations, were those  
2 recommendations in writing?
- 3 **A. I think we -- I don't specifically recall. I**  
4 **believe we probably did a memo of some kind to**  
5 **the board of selectmen making recommendations.**
- 6 **Q.** And what recommendations do you recall making?
- 7 **A. I can't give you specific -- the specific**  
8 **recommendations. It was mostly language type**  
9 **stuff in the RFP or the management contract**  
10 **which was part of the RFP.**
- 11 **Q.** Did the committee have a copy of the old RFP to  
12 use as a boilerplate?
- 13 **A. I believe that's true, yeah.**
- 14 **Q.** Did you, the committee, go out and look at other  
15 RFPs from other jurisdictions?
- 16 **A. Yeah, we did.**
- 17 **Q.** Did you keep copies of all of those?
- 18 **A. I believe we did, yeah.**
- 19 **Q.** With regard to the minutes of your meetings,  
20 when the committee was meeting did they maintain  
21 minutes of every meeting?
- 22 **A. Yes. I believe we did, yeah.**
- 23 **Q.** Who on the committee currently has the  
24 responsibility of preparing the minutes?

- 1 **A. Well, the committee hasn't met in awhile so I**  
2 **don't know that anyone currently has.**
- 3 **Q.** In the past?
- 4 **A. Someone would usually volunteer to keep the**  
5 **minutes. Sometimes it would be me. Sometimes**  
6 **it would be another member of the committee. It**  
7 **varied.**
- 8 **Q.** Showing you what had been provided to us as  
9 copies of the North Hill Advisory Committee  
10 minutes of the meeting held on January 10, 2007.
- 11 With regard to the format of the minutes,  
12 does this look familiar to you as what the  
13 minutes would look like?
- 14 **A. Yes, it does.**
- 15 **Q.** And as of January of 2007 it lists the various  
16 members who were present including yourself,  
17 Mr. Ford, Mr. McCarthy, Mr. Marlborough,  
18 Mr. Manning, Mr. Sheehan and Mr. Diramio.
- 19 Out of those, do you know which one of  
20 those fellows would have been responsible for  
21 preparing the minutes of this particular  
22 meeting?
- 23 **A. I couldn't tell you off the top of my head.**
- 24 **MR. FOLLANSBEE: I'd ask that be marked**

as the next exhibit.

(Exhibit No. 4 ID marked.)

Q. On Page 2 of Exhibit Number 4, towards the last -- the second to last paragraph at the bottom of the page, evidently there was a discussion about the house on the North Hill property. Was it your recommendation to demolish the house?

A. No. I played no role in that.

Q. It indicates that the committee as a group was disappointed with the decision to demolish the house. Were you disappointed, as well?

A. I was sorry to see it go.

Q. Was it your understanding as stated in those minutes that the house would be beneficial in bringing in a greens superintendent who could live on the premises?

A. No. Someone else in the committee may have had that feeling. I didn't particularly recall having any strong feeling about that one way or the other.

Q. Before putting that statement in the minutes, was that discussed? Was that the consensus of the committee?

A. I don't really recall.

Q. On the last page it indicates in the last sentence that you and Mr. Marlborough were going to call around and get information about other contracts. Do you remember doing that?

A. I don't really. I did, but I don't really remember doing it.

Q. So although it was discussed at the meeting, you're not sure if you followed up and actually did that?

A. I did contact some places and I forget who they were and -- but other members also stepped up and provided -- got some information, as well.

Q. Now, this indicates that the next meeting -- this meeting was January 10th of 2007 and it said the next meeting would be held March 14th of 2007. Do you know if you held a meeting at that time?

A. I don't.

Q. And at least as early as January 10, 2007 the committee, as a group, was getting ready for the next contract to be drafted and awarded; is that correct?

A. Well, it appears -- again, I don't specifically recall, but it appears from the minutes that it

looks like we were starting to gather information, yeah.

Q. That's because at the time the current contract was to expire on December 31, 2008, correct?

A. I don't specifically recall the date that it was due. That sounds right, but I don't have a specific recollection of that.

Q. Now, one of the fellows listed there who was going to find out about manpower is Mr. Emmet Sheehan, correct? On the second to last paragraph on Page 3. Mr. Sheehan, he was a committee member; is that correct?

A. He was on the committee, correct.

Q. Other than being on the same committee, did you have any social relationship with Mr. Sheehan?

A. No. I knew who he was but that was it.

Q. Other than your contact with him as a fellow committee member, you had little contact with him other than that?

A. That's correct, yes.

Q. Do you recall Mr. Sheehan reporting back to the committee on how much equipment it would take and what kind of manpower it could take to run the course by the town?

A. I don't specifically recall.

Q. Was that one of the considerations that your committee was entertaining, to have the town run the course themselves?

A. That was considered an option, yes.

Q. And what was your position on that?

A. Well, I didn't really have a position. It would be based on whether it was financially viable for them to do that.

Q. And when you say financially viable, am I correct in assuming that one of the goals of the North Hill Advisory Committee is to get a good financial return on the golf course for the taxpayers of Duxbury?

A. I wouldn't say that's a goal of the committee. The committee doesn't really have any impact on that. The committee gathers information and makes recommendations, so.

Q. Well, one of the --- some of the things that the committee evidently was doing in 2007, and correct me if I'm wrong, you were trying to find out what comparable rates were for other municipal courses, correct?

A. Yes, that's correct.

1 Q. One of the reasons for that is you wanted to be  
2 competitive with the market, correct?

3 A. Correct.

4 Q. And you also were going to be involved in  
5 putting out a new Request For Proposals to have  
6 a private management company run the golf  
7 course, correct?

8 A. Correct.

9 Q. And that private management company would be  
10 giving a financial return to the Town of  
11 Duxbury, correct?

12 A. Well, that -- yes.

13 Q. And as a committee member, you'd rather have a  
14 large financial return than a small one for the  
15 taxpayers of Duxbury; is that correct?

16 MR. JORDAN: Objection. You can answer.

17 A. Well, the more money we can generate for the  
18 town, that's a good thing, I suppose.

19 Q. Do you recall communicating with Mr. Johnson  
20 from Johnson Golf Management during the 2008  
21 calendar year regarding the new contract?

22 A. No, I don't.

23 Q. Do you recall sending any e-mails to  
24 Mr. Johnson?

1 A. I really don't.

2 Q. Did you have a separate e-mail account as a  
3 member of the North Hill Advisory Committee?

4 A. No, I didn't.

5 Q. Do you have a private e-mail account that you  
6 would have used for North Hill Advisory  
7 Committee business?

8 A. Do I have private e-mail? Yes, I do.

9 Q. Was it your custom and practice to contact other  
10 members of your committee as well as  
11 representatives of Johnson Golf via e-mail as  
12 far as meetings and issues at the golf course?

13 A. I wouldn't say it was customary. I didn't  
14 communicate very much by e-mail with members of  
15 the committee.

16 Q. Did you communicate with anyone from Johnson  
17 Golf via e-mail?

18 A. Not that I recall.

19 Q. What e-mail account would you have been using in  
20 2008?

21 A. Excuse me. The only -- I might have sent out a  
22 reminder to the committee and -- let me correct  
23 myself. I did contact someone from Johnson  
24 Golf, Management because when I would send out a

1 reminder there was going to be a meeting, I  
2 would include Joe Eckstrom on that e-mail  
3 because Joe was generally the representative of  
4 Johnson Golf that would attend the meetings.

5 Q. Joe is a manager at Johnson Golf?

6 A. I don't know what his title is.

7 Q. But he did interact with the committee on a  
8 frequent basis; is that correct?

9 A. For the most part Joe Eckstrom was the one that  
10 would interact with the committee, yeah.

11 Q. What e-mail account did you use to communicate  
12 with Mr. Eckstrom and other committee members?

13 A. I believe it probably was my personal e-mail  
14 account.

15 Q. What's your e-mail account?

16 A. It's micdoolin@verizon.net.

17 Q. Has that been your e-mail account for the past  
18 few years?

19 A. I've had that account for quite a few years,  
20 yeah.

21 Q. Did you ever or do you remember sending an  
22 e-mail to Mr. Johnson, Mr. Doug Johnson, in  
23 which you expressed an opinion that if his  
24 company didn't get the new contract, they'd

1 probably sue?

2 A. I don't have any specific recollection of that.

3 Q. Was it your understanding -- strike that.

4 In the summer of 2008 do you recall  
5 receiving any communication from Johnson Golf  
6 about where you could find materials for the  
7 Request For Proposals?

8 A. No.

9 Q. Do you recall being contacted by anyone at  
10 Johnson Golf suggesting that you contact the  
11 Office of the Massachusetts Inspector General to  
12 get forms to download?

13 A. I don't.

14 Q. With regard to the RFP process that began in the  
15 summer of 2008, what involvement did you have in  
16 providing information for the new Request For  
17 Proposals?

18 A. As a member of the committee, what did the  
19 committee do? Are you asking about the  
20 committee or me personally?

21 Q. Let's start with the committee first. What did  
22 the committee do?

23 A. Well, the committee was looking at alternative  
24 and -- excuse me. That isn't correct. The

1 **committee was looking at rates for other courses**  
 2 **and making -- recommending changes, preparing**  
 3 **changes, like I said, mostly in language to the**  
 4 **existing contract that we felt would be**  
 5 **beneficial.**

6 **Q.** And as far as any changes, do you recall any  
 7 changes from the 2009 contract which is Exhibit  
 8 Number 3 that you recommended as a committee?

9 **A.** **Well, this was the contract that was in place so**  
 10 **I believe we, like you had indicated, we used**  
 11 **this as a starting point.**

12 **Q.** And what changes do you recall suggesting?

13 **A.** **I don't specifically recall. Like I said, they**  
 14 **were mostly language changes that we**  
 15 **recommended.**

16 **Q.** Was one of the changes related to the ability of  
 17 members to reserve 18 hole tee times?

18 **A.** **I believe we made a recommendation that we**  
 19 **change the language that that would be included,**  
 20 **yes.**

21 **Q.** What was the reason for that?

22 **A.** **Because the committee felt that that should be**  
 23 **an option that's available to the golfers,**  
 24 **people that use the course.**

1 **Q.** Did the committee consider any financial  
 2 consequences of that change?

3 **A.** **I don't really recall.**

4 **Q.** You had indicated in your correspondence  
 5 earlier, Exhibit 1 and 2, that the abandonment  
 6 of the 18 hole tee times was creating a larger  
 7 profit structure for the contractor, Johnson  
 8 Golf Management.

9 Did you consider that by re-implementing  
 10 the 18 hole tee time, that the financial return  
 11 to the management company would go down?

12 **A.** **I didn't --**

13 **MR. KESTEN:** He didn't make that  
 14 argument. He said he didn't do number 2,  
 15 Exhibit 2.

16 **MR. FOLLANSBEE:** You're absolutely right  
 17 Lenny.

18 **MR. KESTEN:** Thank you.

19 **Q.** Forget Exhibit Number 2. Let's talk about  
 20 Exhibit Number 1.

21 Was it your understanding that Johnson --  
 22 when you sent Exhibit No. 1, was it your  
 23 understanding that Johnson Golf Management would  
 24 get an increased financial return on their

1 contract by abandoning the 18 hole tee time  
 2 policy?

3 **A.** **No. I didn't necessarily have that.**

4 **Q.** Well, in the second paragraph when you say, "It  
 5 seems obvious that Johnson Golf Management is of  
 6 the mind that it can make more money from the  
 7 course by abolishing membership and catering to  
 8 the daily rate golfer," what did you mean by  
 9 that?

10 **A.** **I was speculating that that's what Johnson Golf**  
 11 **Management apparently felt. I don't have any**  
 12 **specific knowledge that they were going to make**  
 13 **more money.**

14 **Q.** Well, in the next paragraph you say, "North Hill  
 15 does not exist for purposes of providing a  
 16 revenue stream for Johnson Golf Management."

17 **A.** **That's true.**

18 **Q.** Wasn't it your understanding when you wrote the  
 19 letter that what Johnson Golf was attempting to  
 20 do by changing the 18 hole tee time policy was  
 21 to sell more 9 hole tee times to individuals who  
 22 weren't members?

23 **MR. JORDAN:** Objection.

24 **A.** **Well, I was speculating. All I can tell you is**

1 **I was speculating that's what their intent was,**  
 2 **that they thought -- they had the feeling that**  
 3 **they could make more money by doing that.**

4 **Q.** And when the committee in 2008 made a suggestion  
 5 to the town that the new contract include a  
 6 provision for 18 hole tee times, did the  
 7 committee consider any financial consequences of  
 8 that recommendation?

9 **A.** **I don't specifically recall the discussion**  
 10 **around that.**

11 **Q.** In the RFP that went out -- did you have an  
 12 opportunity to review the final RFP?

13 **A.** **I'm not really sure that I did before it went**  
 14 **out.**

15 **Q.** Did you ever see a copy of it in 2008?

16 **A.** **I don't think I did.**

17 **Q.** Did you attend any of the pre-bid meetings of  
 18 the various entities that were considering  
 19 bidding the golf course?

20 **A.** **I did not.**

21 **Q.** Did you attend any of the bid openings?

22 **A.** **I did not.**

23 **Q.** Did you communicate with anybody from town  
 24 government concerning the RFP process in the



- 1 August to October timeframe in 2008?
- 2 **A. I don't specifically recall.**
- 3 **Q.** Did anyone from town government contact you  
4 regarding questions that they had received from  
5 prospective bidders?
- 6 **A. I don't -- I don't recall any questions, no.**
- 7 **Q.** Now, with regard to the other recommendations of  
8 changes in the language of the contract or the  
9 RFP in the summer of 2008, what experience level  
10 did the committee look for in prospective  
11 managers of the golf course?
- 12 **A. I don't understand what you're asking.**
- 13 **Q.** Did the committee have a sense that when the  
14 contract was put out to bid that the committee  
15 wanted to have someone who was experienced in  
16 golf course management?
- 17 **A. I believe that's a fair statement, yeah.**
- 18 **Q.** Was it the recommendation of the committee that  
19 in order to achieve a high rating they wanted to  
20 see a company that had multiple golf courses  
21 under its management?
- 22 **A. I don't recall that the committee made any  
23 specific recommendations. I mean, that was  
24 something that I believe was already in the RFP**

- 1 **from the previous agreement, so I don't recall  
2 the committee making necessarily specific  
3 recommendations in that regard.**
- 4 **Q.** It's fair to say that the committee had a copy  
5 of the previous RFP and used that as a model for  
6 the new RFP; is that correct?
- 7 **A. That's a fair statement.**
- 8 **Q.** And a couple of other changes in the RFP process  
9 in 2008, did you have any input in using the  
10 expression comparable business enterprise in  
11 describing prospective bidders?
- 12 **A. I don't have any recollection of that.**
- 13 **Q.** Do you have any idea where that came from?
- 14 **A. I don't.**
- 15 **Q.** In the new RFP it indicated that there would be  
16 fivesomes being allowed to play the golf course.  
17 Did you have any input in that decision? Did  
18 you -- did the league that you played in on  
19 Thursday nights, did they want to use fivesomes  
20 rather than foursomes?
- 21 **A. I don't recall that, no.**
- 22 **Q.** Have you had any input at all in the issue of  
23 having groups of five playing the golf course  
24 instead of groups of four?

- 1 **A. I don't remember any discussion at all about  
2 that.**
- 3 **Q.** Do you have another e-mail account,  
4 michael.doolin@freemanco.com?
- 5 **A. I do.**
- 6 **Q.** Is that a business account?
- 7 **A. Yeah. That's my business account.**
- 8 **Q.** And your Verizon, is that micdoolin@verizon.net?
- 9 **A. That's correct, yes.**
- 10 **Q.** And when -- did anyone from the Town of Duxbury,  
11 any municipal official from the Town of Duxbury  
12 communicate to you after the bids had been  
13 received in October of 2008 that they were going  
14 to reject all the bids?
- 15 **A. No. I played no role in that.**
- 16 **Q.** When did you find out that the bids had been  
17 rejected?
- 18 **A. I really don't recall when I found out.**
- 19 **Q.** Do you know who told you that?
- 20 **A. It was probably Gordon Cushing but --**
- 21 **Q.** Did you know or do you know Mr. Charles  
22 Lanzetta?
- 23 **A. I know who he is. I don't really know him.**
- 24 **Q.** Do you know what business he's in?

- 1 **A. I believe he's a golf pro.**
- 2 **Q.** Did you -- I may have asked you this earlier.  
3 Did you play at the Rockland Golf Course at all  
4 in Rockland?
- 5 **A. No. I may have played there over the years  
6 once, but I didn't certainly play there on a  
7 regular basis.**
- 8 **Q.** And did you ever have any discussion with any of  
9 the individuals who evaluated the RFPs in -- or  
10 the proposals in October and November of 2008?
- 11 **A. No.**
- 12 **Q.** Was Mr. Dixon a member of your committee?
- 13 **A. Not while I was on the committee. I don't  
14 believe he was.**
- 15 **Q.** How about Mr. Floreano; is he a member of the  
16 committee?
- 17 **A. He is, yes.**
- 18 **Q.** Did you have any discussion with Mr. Floreano  
19 when he was evaluating the proposals in the fall  
20 of 2008?
- 21 **A. No, not while the evaluations. I found out  
22 afterward, actually.**
- 23 **Q.** Did you know he was an evaluator?
- 24 **A. I didn't really know he was an evaluator prior**

1 to.

2 Q. Once he did his evaluations, did he talk to you  
3 about it at all?

4 A. **No, he didn't. Really just that I found out  
5 that he had -- he was an evaluator and -- but we  
6 didn't discuss the specifics.**

7 Q. In the fall of 2008 were you aware of the five  
8 entities that had submitted bids for the North  
9 Hill Country Club?

10 A. **No. I didn't know who they were. I believe  
11 Gordon told me there were five that had  
12 submitted proposals, but I didn't know exactly  
13 who they were.**

14 Q. And did you discuss with any other -- did you  
15 talk to any of the other evaluators such as  
16 Mr. Madden?

17 A. **No.**

18 Q. Did you have any discussion with Mr. Studley  
19 about his evaluations?

20 A. **No.**

21 Q. Did you discuss the eventual award of the  
22 contract to CALM Golf, CPL Golf, with any  
23 municipal officials?

24 A. **No.**

1 Q. When did you find out that they were proposing  
2 to award the contract to CALM Golf?

3 A. **I really don't remember the timing of it. It  
4 was after it happened, I know that.**

5 Q. When the minutes of your meetings at the North  
6 Hill Advisory Committee were prepared and  
7 approved, what physically happens to the  
8 documents themselves? Who maintains them?

9 A. **Gordon does.**

10 Q. Do you know where he keeps them?

11 A. **I don't.**

12 Q. In the years that you were on the committee from  
13 2004 through 2010, did Johnson Golf provide  
14 financial information to the committee?

15 A. **Generally speaking when they came, when they  
16 attended a meeting, they would provide monthly  
17 totals of activity at the golf course.**

18 Q. Were you satisfied with the formatting in which  
19 they were providing that?

20 A. **Not -- no, not always. It was -- sometimes it  
21 was handwritten.**

22 Q. Other than the fact that it was handwritten?

23 A. **And it was, you know, it didn't provide -- you  
24 know, to be very honest, I don't know**

1 **specifically what the format was designed to be  
2 originally so -- but it just didn't have a lot  
3 of detail.**

4 Q. Well --

5 A. **I don't know.**

6 Q. I only have one copy of this. Why don't you  
7 take a minute to look at what was Exhibit E to  
8 the North Hill Country Club Request For  
9 Proposals of October of 2008. We can go off the  
10 record. Just take that and review it.

11 MR. FOLLANSBEE: We'll take a five-minute  
12 break.

13

14 (Recess taken.)

15

16 Q. During the break, Mr. Doolin, did you have a  
17 chance to look at those monthly financial  
18 reports?

19 A. **I did.**

20 Q. Is that the format that Johnson Golf was  
21 submitting them to you as a member of the board?

22 A. **Yeah. I believe it is.**

23 Q. And did the board ever send a letter to Johnson  
24 Golf saying we don't like this format?

1 A. **I don't -- not that I recall, no.**

2 Q. Did you ever address that yourself with anybody  
3 from Johnson Golf saying, we're unhappy with  
4 this format, the way you report the financial  
5 information?

6 A. **No.**

7

8 **MR. FOLLANSBEE: I know these have  
9 probably been marked at an earlier deposition,  
10 but just for completeness, can we have that  
11 marked as the next exhibit, and if you really  
12 want copies I'll make them for you. You  
13 probably don't need them.**

14 **They're attached as Exhibit E to the  
15 North Hill Country Club RFP which was Exhibit 6  
16 at the Lanzetta deposition.**

17 (Exhibit No. 5 ID marked.)

18 Q. The letter to the editor which was Exhibit  
19 Number 2, the signatories on the second page,  
20 all of those gentlemen were members of the North  
21 Hill Men's Association, correct?

22 A. **That's probably correct. I recognize a number  
23 of the names.**

24 Q. And for the most part, those are the same  
fellows that played in the Thursday night

1 league?

2 **A. I would say that's probably correct.**

3 **Q.** Now, in the summer or -- strike that.

During calendar year 2008, did the North

5 Hill Advisory Committee deal with any outside

6 consultant to help them draft the RFP?

7 **A. No.**

8 **Q.** Were you made aware of any outside consultant

9 who was hired to help draft the RFP for the

10 North Hill Country Club in 2008?

11 **A. As I recall, I think that I heard that the town**

12 **had somebody that was going to assist in**

13 **preparing the RFP, yeah.**

14 **Q.** Who did you hear that from?

15 **A. I probably heard it from Gordon but --**

16 **Q.** Did he ever give you the name of anybody?

17 **A. I don't recall.**

18 **Q.** While you were a member of the committee from

19 2004 to 2008, you were also a member of the

20 North Hill Country Club, correct?

21 **A. I don't recall the exact -- I'm certain I was a**

22 **member of the committee. The exact years that I**

23 **was a member of the North Hill, I can't honestly**

**tell you if I was a member every year during**

1 **that time period but it probably could be true.**

2 **I don't know.**

3 **Q.** Did your decision -- and now you are a member of

4 the North Hill Country Club, correct?

5 **A. I joined this year, correct.**

6 **Q.** For 2011?

7 **A. Yes.**

8 **Q.** Did your decision not to join have anything to

9 do with the fact that Johnson Golf was running

10 the course pursuant to a court order in 2009 and

11 2010?

12 **A. Well, it had nothing to do with the court order,**

13 **but that did play a role in my decision, yes.**

14 **Q.** Why did that play a role in your decision?

15 **A. I just chose not to. As long as Johnson Golf**

16 **Management was there, I just chose not to be a**

17 **member.**

18 **Q.** Your preference was certainly clear that your

19 preference would be that Johnson Golf not be

running the golf course?

21 MR. JORDAN: Objection. You can answer.

22 **A. My personal preference?**

23 **Q.** Yes.

24 **A. Yes.**

1 **Q.** And you had made that known on more than one

2 occasion to representatives of Johnson Golf; is

3 that correct?

4 **A. I don't recall doing that, no.**

5 **Q.** Did you discuss that personal preference of

6 yours with anybody else?

7 **A. I may have. I don't really recall.**

8 **Q.** Did you discuss it with Gordon Cushing?

9 **A. I don't recall.**

10 **Q.** Did you discuss it with Emmett Sheehan?

11 **A. No. I don't recall.**

12 **Q.** Did you discuss it with your wife?

13 MR. KESTEN: Objection. I advise you not

14 to disclose any private communications you had

15 with your wife. That's a privilege, an

16 unwaivable privilege.

17 **Q.** Did you discuss it with any family members other

18 than your wife?

19 **A. I may have. I don't recall.**

20 **Q.** Did you discuss it with any of the guys that you

21 played golf with?

22 **A. I don't recall but I probably did. It wasn't a**

23 **secret.**

24 **Q.** Your dissatisfaction with Johnson Golf -- just

1 so we have something that's complete here,

2 you've addressed two contractual issues

3 including the lack of golf pro and being unhappy

4 about audited financial statements.

5 Was there anything else as far as the

6 contract between Duxbury and Johnson Golf that

7 you were displeased with?

8 **A. Those are just a couple that came to mind. It**

9 **may be -- I don't really remember. It's been a**

10 **long time since I've paid any attention to it.**

11 **Q.** As you sit here today, can you think of any

12 other issue that you had other than those two on

13 the contract side?

14 **A. I don't recall any others.**

15 **Q.** Now, on the golf pro issue, in all the meetings

16 that came up of the North Hill Advisory

17 Committee in which somebody from Johnson Golf

18 was in attendance, did you ever say to anybody

19 at Johnson Golf, you really have to get a golf

20 pro up here, I'm unhappy about this?

21 **A. I don't recall that I specifically said that,**

22 **but -- and I don't recall if anyone else**

23 **specifically said it.**

24 **Q.** You indicate that you knew Mr. Allen to be a

- 1 golf pro and you knew he was up on the golf  
2 course. What did you think his role was there?
- 3 **A. My -- what I thought? What I thought he was?**  
4 **Q. Yes.**
- 5 **A. I thought he was a self-employed golf pro that**  
6 **if there was a check up there, he'd go pick it**  
7 **up and he'd provide a service.**
- 8 **Q. Did you understand him to be under contract to**  
9 **Johnson Golf Management?**
- 10 **A. I didn't know what the relationship with Johnson**  
11 **Golf Management was.**
- 12 **Q. Did you ever ask anybody what the relationship**  
13 **was?**
- 14 **A. I'm not sure if I asked. I believe at one point**  
15 **Mr. Johnson was asked at a meeting and I think**  
16 **he said that he was an employee of Johnson Golf,**  
17 **if I'm not mistaken.**
- 18 **Q. And was he identified in the pro shop as the**  
19 **golf pro at North Hill Country Club?**
- 20 **A. I remember there were business cards on the**  
21 **counter that would say that.**
- 22 **Q. Well, given what you've just described, what was**  
23 **your dissatisfaction with the relationship of**  
24 **having Mr. Bill Allen as an independent golf pro**

- 1 or a golf pro under contract at North Hill  
2 Country Club?
- 3 **A. Well, the intent from the management agreement,**  
4 **the town's intention was to have a golf pro**  
5 **present there operating the place, running**  
6 **tournaments, things of that nature, and that's**  
7 **not what Mr. Allen did, in my view.**
- 8 **Q. Is there something in the management agreement**  
9 **which is Exhibit Number 3 that you believe would**  
10 **require the management company to have a golf**  
11 **pro in attendance operating tournaments?**
- 12 **A. I don't know what the specific language says in**  
13 **there if --**
- 14 **Q. Well, you indicated --**
- 15 **A. -- it makes reference to it. What I indicated**  
16 **was that it was the town's intention to have**  
17 **somebody to do that. Whether the language**  
18 **supported that intention, if the specific**  
19 **language was strong enough in that agreement to**  
20 **do that is in dispute apparently, or was.**
- 21 **Q. Now, you've indicated that you made a**  
22 **determination as to what the intent of the Town**  
23 **of Duxbury was. How did you make that**  
24 **determination, that their intent was to have a**

- 1 pro there operating tournaments?
- 2 **A. I believe that that was -- there was some**  
3 **language in the agreement that referenced that.**
- 4 **Q. You don't know any specific language; it's just**  
5 **your memory?**
- 6 **A. I don't recall. Like I said, I haven't looked**  
7 **at that in quite a while.**
- 8 **Q. When do you think the last time you looked at**  
9 **the contract, which is Exhibit 3, was?**
- 10 **A. A year or two, maybe.**
- 11 **Q. And while you were a member at North Hill**  
12 **Country Club and Johnson Golf had the management**  
13 **contract, do you recall Bill Allen running**  
14 **junior tournaments at the golf course?**
- 15 **A. I do not.**
- 16 **Q. Are you aware that junior tournaments were**  
17 **conducted there at all?**
- 18 **A. I'm not aware of it, no.**
- 19 **Q. Did they ever -- did the representative of**  
20 **Johnson Golf ever discuss with the board members**  
21 **the scheduling of the summer junior tournaments?**
- 22 **A. Not that I recall.**
- 23 **Q. Who ran the golf tournaments for the North Hill**  
24 **Men's Association?**

- 1 **A. I don't know. There were different people at**  
2 **different times from year to year who would**  
3 **assume that role.**
- 4 **Q. While you were a member of the North Hill**  
5 **Advisory Committee, did you communicate with**  
6 **other town officials what the desire of the**  
7 **North Hill Advisory Committee was regarding**  
8 **capital improvements at the golf course?**
- 9 **A. I don't have a specific recollection. I assume**  
10 **we did, but I don't have a specific**  
11 **recollection.**
- 12 **Q. Were you made aware of what the capital budget**  
13 **of the Town of Duxbury was at the North Hill**  
14 **Country Club during your tenure on the**  
15 **committee?**
- 16 **A. Yeah. Gordon would occasionally mention what**  
17 **was his budget request and what had -- what was**  
18 **actually included in the budget.**
- 19 **Q. And do you have a memory as to what the budget**  
20 **would be on an annual basis?**
- 21 **A. Lately it's been zero, but I don't really**  
22 **recall. It wasn't very much.**
- 23 **Q. And were you -- as a member of the North Hill**  
24 **Advisory Committee, were you disappointed with**

1 that decision?

2 **A. Well, certainly. There's always things you'd**  
3 **like to see done that might help improve the**  
4 **place, but.**

5 **Q.** What were some of the capital improvement issues  
6 that could have been done while you were on the  
7 committee that were not done?

8 **A. There was a -- I think we were looking to have**  
9 **cart paths replaced, and the town had**  
10 **appropriated money to do that and they had done**  
11 **some of the work but not all of it.**

12 **We were trying to get them to appropriate**  
13 **money to have an inventory of parts for the**  
14 **sprinkler system, I think at one point.**  
15 **That's -- for the most part that's all I can**  
16 **recall for the time being.**

17 **Q.** So the two main capital improvement issues that  
18 came up during your tenure would have been the  
19 irrigation system and cart paths?

20 **A. I'm not saying those are the two main ones, but**  
21 **those are two that came to mind.**

22 **Q.** How much did your membership cost at North Hill  
23 Country Club for this year, calendar year?

24 **A. I think it was \$1,250 if I'm not mistaken.**

1 **Q.** That's substantially more than you were paying  
2 when Johnson Golf was running the golf course,  
3 correct?

4 **A. Well, I got a family membership.**

5 **Q.** You have a family membership now?

6 **A. I do.**

7 **Q.** Before you had an individual?

8 **A. Correct.**

9 **Q.** What does a family membership entitle you to?

10 **A. It just allows my kids to play in addition to**  
11 **myself. Anyone in the family, actually.**

12 **Q.** Anybody in the family can play?

13 **A. Yeah.**

14 **Q.** How many family members do you have who play  
15 golf?

16 **A. There's two others.**

17 **Q.** Are they both juniors?

18 **A. Yes.**

19 **Q.** Is it more cost effective to have the family  
20 membership than to have an individual and two  
21 junior memberships?

22 **A. You know, I guess that depends on how much you**  
23 **play. I don't know.**

24 **Q.** And with regard to the input in drafting the RFP

1 in calendar year 2008, what individuals had  
2 input as far as the actual drafting of the  
3 document?

4 **A. Drafting of the RFP?**

5 **Q.** Yes.

6 **A. I can't say. The committee didn't -- we made**  
7 **recommendations and I don't know who actually**  
8 **drafted the document.**

9 **Q.** Who did you make your recommendations to?

10 **A. I believe the town -- the board of selectmen and**  
11 **the town manager.**

12 **Q.** In preparing for the new round of bids in 2008,  
13 did your committee meet with the town manager to  
14 go over the material that would be in the RFP?

15 **A. I don't think we did, no.**

16 **Q.** Do you recall a meeting of the North Hill  
17 Advisory Committee where Mr. Cushing advised the  
18 folks from Johnson Golf not to come to the  
19 meeting because you'd be meeting the town  
20 manager to go over the contract issues in the  
21 new RFP?

22 **A. I can't recall an Advisory Committee meeting**  
23 **where he did that, but I do recall that he had**  
24 **done that.**

1 **Q.** Not to come to the meeting?

2 **A. It wasn't in the context of the meeting, I**  
3 **believe, but I may be wrong.**

4 **Q.** When you say you believe he did that, are you  
5 talking about you believe Gordon told the folks  
6 from Johnson not to come or you believe --

7 **A. Yeah. I think that might have happened, yeah.**

8 **Q.** Did Mr. McCarthy come to a meeting at the North  
9 Hill Advisory Committee or did you have it in  
10 his office where you went over there?

11 **A. I think we may have had it in his office.**

12 **Q.** That was to discuss what was going in the RFP?

13 **A. Not specifically what was going in the RFP but**  
14 **his expectation that we would do the background**  
15 **work and make recommendations to him for that**  
16 **purpose.**

17 **Q.** After that meeting when Mr. McCarthy indicated  
18 he wanted the committee to do the background  
19 work, did the folks on the committee take upon  
20 themselves certain issues to go investigate?

21 **A. I don't specifically recall how we divvied up**  
22 **what we were going to do. Like I said earlier,**  
23 **we contacted some other golf courses to get --**  
24 **municipal golf courses or the towns that operate**

1 them to get a copy of other RFPs and to check  
2 out rates that they were charging for the  
3 purposes to determine a rate structure that they  
would recommend.

5 Q. When you got the other RFPs back from other  
6 municipalities, did you keep copies of those?

7 A. **I suppose we did, yeah.**

8 Q. Where would those be kept?

9 A. **My guess is that Gordon might have them.**

10 Q. As far as the record keeping of the committee,  
11 is it -- would it be fair to say that Gordon  
12 would keep all of the documentation in his  
13 office?

14 A. **Yeah. For the most part I think that's probably  
15 true.**

16 Q. Is there any other place that records would be  
17 kept?

18 A. **Not that I'm aware of.**

19 Q. Did you -- when you served on the committee, did  
20 you serve with an individual named John Geary?

21 A. **At one point John Geary was on the committee  
22 when I was on the committee, yes.**

23 Q. Other than serving on the committee together,  
did you have any relationship with Geary?

1 A. **No.**

2 Q. Do you ever play golf with him?

3 A. **I don't think so.**

4 Q. Did you serve on the committee with Mr. Dixon or  
5 was he before your time?

6 A. **He was before my time, I believe.**

7 Q. Did you -- during your tenure on the committee,  
8 were you disappointed that the town didn't  
9 confront Johnson Golf regarding the way they  
10 managed the golf course?

11 A. **That would probably be a fair statement.**

12 Q. What did you want them to confront Johnson  
13 regarding?

14 A. **Anything that they weren't -- where we didn't  
15 feel that they were complying with the contract.**

16 Q. So far the items that you identified at this  
17 deposition were the golf pro and audited  
18 financial statements, correct?

19 A. **I think we talked about the tee time policy, as  
well.**

21 Q. Well, the tee time policy the town agreed with  
22 them, correct?

23 A. **That's not my understanding.**

24 Q. What was your understanding?

1 A. **My understanding was that the town manager --  
2 excuse me. That my understanding was, I didn't  
3 have a specific discussion about it, but my  
4 understanding was the town's attorney told them  
5 that they could change the policy if they wanted  
6 to.**

7 Q. So the town's conclusion was that Johnson was  
8 within their rights under the contract to change  
9 the policy; is that fair?

10 A. **That was my understanding.**

11 Q. So other than confronting -- you were  
12 disappointed the town didn't confront Johnson,  
13 and we have three issues: the tee time policy,  
14 audited financial statements and golf pro.

15 Was there anything else that you thought  
16 the town should confront Johnson about?

17 A. **Nothing comes to mind at the moment.**

18 Q. Do you remember discussing tee times for a  
19 junior tournament with a young man named Tyler?

20 A. **I don't.**

21 Q. Is that something you would customarily do?

22 A. **Customarily, no.**

23 Q. Did your children ever play in the junior  
24 tournaments at North Hill Country Club?

1 A. **I think my son played one year. My youngest son  
2 played one year.**

3 Q. Do you know who organized that tournament?

4 A. **I don't really recall who organized it, no.**

5 Q. Was it Mr. Allen?

6 A. **I don't recall who organized it.**

7 Q. Did your son ever take any lessons from  
8 Mr. Allen?

9 A. **I think he may have, yeah.**

10 Q. Mr. Allen was the golf pro at North Hill Country  
11 Club. Is that where he took the lessons?

12 A. **Mr. Allen was a self-employed pro that would  
13 give lessons at North Hill Country Club. Yeah.**

14 Q. How do you determine that he was self-employed?

15 A. **Well, he had his own golf company and has his  
16 own website.**

17 Q. On the tee time policy, did you attend a public  
18 meeting where it was all discussed with golfers  
19 and with anybody who had input in it with  
20 municipal officials and representatives of  
21 Johnson Golf?

22 A. **I may have attended a board of selectmen meeting  
23 where that was discussed, yes. I don't seem to  
24 recall that.**

- 1 Q. That was shortly after you wrote the letter  
2 which is Exhibit No. 1?
- 3 A. **That would be my guess. But like I said, I  
don't specifically recall.**
- 5 Q. And the end result of that meeting, was a  
6 compromise reached where tee times would be made  
7 available on an alternating basis with people  
8 making an 18 hole loop and then people who were  
9 starting 9 holes?
- 10 A. **I don't know if that was the compromise that was  
11 made. That was -- I think that was pretty much  
12 the policy that had been employed in the past  
13 since it was a 9 hole course.**
- 14 Q. Other than Mr. William Allen, did you ever see  
15 any other golf pro, whether self-employed or  
16 employed by Johnson at North Hill Country Club?
- 17 A. **I really don't recall.**
- 18 Q. Do you know a golf pro by the name of Jeff  
19 Stuart?
- 20 A. **Yeah. I remember that name.**
- 21 Q. Do you remember him ever being a golf pro at  
22 North Hill Country Club?
- 23 A. **You know, he may have been. It's been a long  
time. He may have been the pro at North Hill.**

- 1 **I don't really remember when that was, though.**
- 2 Q. When do you first recall seeing Bill Allen up at  
3 North Hill?
- 4 A. **I don't remember. Not very often.**
- 5 Q. When you were playing the North Hill Country  
6 Club, did you utilize the driving range there?
- 7 A. **Occasionally I might have, yeah.**
- 8 Q. Did you ever see Mr. Allen giving lessons on the  
9 driving range?
- 10 A. **I don't specifically recall. I had seen him  
11 there on a few occasions.**
- 12 Q. When your son took lessons there, did he discuss  
13 with you what he was doing in his lessons?
- 14 A. **I don't really recall.**
- 15 Q. Did you pay for the lessons?
- 16 A. **Well, my wife did.**
- 17 Q. Do you know who they paid? Did they pay Johnson  
18 Golf?
- 19 A. **I don't really know.**
- 20 **MR. FOLLANSBEE: Let me take a minute. I  
21 think we're pretty much done.**

22  
23  
24 (Recess taken.)

- 1 MR. FOLLANSBEE: We are off the record.  
2 We'll resume later this afternoon with  
3 Mr. Marlborough.  
4 MR. KESTEN: The deposition is concluded.  
5  
6 (The deposition concluded at 12:46 p.m.)  
7  
8  
9

1 CERTIFICATE

2 Commonwealth of Massachusetts  
3 Essex, ss.

4 I, Jessica F. Story, Certified Shorthand  
5 Reporter, Registered Professional Reporter and  
6 Notary Public in and for the Commonwealth of  
7 Massachusetts, do hereby certify: that MICHAEL  
8 DOOLIN, the witness whose deposition is  
9 hereinbefore set forth, was satisfactorily  
10 identified by his Massachusetts driver's  
11 license, then duly sworn by me, and that such  
12 deposition is a true record of the testimony  
13 given by the said witness.

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

20 IN WITNESS WHEREOF, I have hereunto set  
21 my hand and notarial seal this 28th day of July,  
22 2011.

23 \_\_\_\_\_  
Jessica F. Story, CSR, RPR

24 My commission expires  
on September 13, 2013

1 ERRATA SHEET

2 PAGE LINE REASON FOR CORRECTION

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3 CERTIFICATE

4

5 I, MICHAEL DOOLIN, do hereby certify that

6 I have read the foregoing transcript of my

7 testimony, and further certify that said

8 transcript is a true and accurate record of said

9 testimony.

10 Signed under the pains and penalties of

11 perjury this \_\_\_\_ day of \_\_\_\_\_,

12 2011.

13

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16 MICHAEL DOOLIN

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