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	Plaintiff,	8		2 May 14, 2008 Memorandu	um 14
	vs	9		3 E-mails Re: RFP 2008	18
	TOWN OF DUXBURY, and NORTH HILL ADVISORY COMMITTEE,	10		4 Selectmen Minutes,	
	CONSISTING OF MICHAEL DOOLIN, CHAIRMAN, SCOTT WHITCOME, ROBERT M. MUSTARD, JR.,	11		August 25, 2008	20
	MICHAEL MARLBOROUGH, ANTHONY FLOREANO, MICHAEL T. RUFO, THOMAS K.	12		5 RFP	2 5
	GARRITY, RICHARD MANNING, W. JAMES FORD, and GORDON CUSHING (EX OFFICIO) and CALM GOLF, INC., and	13		6 Selectmen Minutes, December 22, 2008	31
	CHARLES LANZETTA,	14		7 January 28, 2009 Troy In	
	Defendants x				
	DEPOSITION OF ANDRE MARTECCHINI, taken on	15		8 January 15, 2009 Award I	Letter 37
	behalf of the Plaintiff, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jessica F. Story,	16		9 January 16, 2009 Settlement Proposal	38
	Certified Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at	17		10 Judge Smith's Order,	
	the offices of Follansbee & McLeod, LLP, 536 Granite Street, Braintree, Massachusetts, on	18		February 2, 2009	4 0
	Tuesday, July 10, 2012, commencing at 10:14 a.m.	19			
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	2				
1	<u>APPEARANCES</u> :				4
2	Stephen R. Follansbee, Esg.	1		PROCEEDII	NGS
3	Follansbee & McLeod, LLP	_			
4	536 Granite Street Braintree, Massachusetts 02184	2			
5	Attorney for the Plaintiff	2			a witness called an
6	Leonard H. Kesten, Esq.	3 4		ANDRE MARTECCHINI behalf of the Plaintiff, first h	
7	Brody, Hardoon, Perkins & Kesten, LLP One Exeter Plaza	5		satisfactorily identified by hi	-
8	Boston, Massachusetts 02116 Attorney for the Defendants,	6		driver's license, then duly sv	
9	Town of Duxbury and North Hill Advisory Committee, Consisting of Michael Doolin,	7		deposes and says as follows	
10	Chairman, Scott Whitcomb, Robert M. Mustard, Jr., Michael Marlborough, Anthony Floreano,	8			
11	Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex	9			
12	officio)	10		EXAMINATION BY MR. FOLL	ANSBEE:
	Nine Diskering Cook Fee	11	Q.	Could you please identify yo	urself.
13	Nina Pickering Cook, Esq. Anderson & Kreiger, LLP	12	Α.	Andre Martecchini.	
14	One Canal Park, Suite 200 Cambridge, Massachusetts 02141	13		MR.KESTEN: Are w	e doing the usual
15	Attorney for the Defendants, Town of Duxbury and North Hill Advisory	14		stipulations?	
16	Committee, Consisting of Michael Doolin,	15		MR.FOLLANSBEE: Ye	ah. All objections
	Chairman, Scott Whitcomb, Robert M. Mustard,	1			
17	Jr., Michael Marlborough, Anthony Floreano,	16		you have that except as t	o form and motions
17 18	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex	16 17		you have that except as t to strike reserved until the t	
	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard				ime of trial, and
18	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex	17 18 19		to strike reserved until the t	im e of trial, and after delivery.
18 19	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex	17 18 19 20		to strike reserved until the t it's deemed signed 30 days MR.KESTEN: Fair end MS.COOK: Waiving t	ime of trial, and after delivery. ough.
18 19 20	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex officio)	17 18 19 20 21		to strike reserved until the t it's deemed signed 30 days MR.KESTEN: Fair en MS.COOK: Waiving t requirement.	ime of trial, and after delivery. ough. he notary
18 19 20 21	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex officio)	17 18 19 20 21 22		to strike reserved until the t it's deemed signed 30 days MR.KESTEN: Fair end MS.COOK: Waiving t requirement. MR.FOLLANSBEE: Ye	ime of trial, and after delivery. ough. he notary
18 19 20 21 22	Jr., Michael Marlborough, Anthony Floreano, Michael T. Rufo, Thomas K. Garrity, Richard Manning, W. James Ford, and Gordon Cushing (Ex officio)	17 18 19 20 21		to strike reserved until the t it's deemed signed 30 days MR.KESTEN: Fair en MS.COOK: Waiving t requirement.	ime of trial, and after delivery. ough. he notary s. That's fine.

		5			7
1		What is your occupation, sir?	1	Δ	Yes.
2	Δ	I am a civil engineer and engineering	2		What committees do you serve on today?
3	7.1	consultant.	3	Α.	
4	Q.	Do you have your own business?	4	7.1	Committee.
5	Α.	No.	5	Q.	Any other committees?
6	Q.	For whom do you work?	6	Α.	Yes.
7	A.	Kleinfelder.	7	Q.	What other committees?
8	Q.	Where are they located?	8	A.	
9	A.		9		Trying to think what else. Yeah. I think
10	Q.	And do you have professional licenses?	10		that's it right now. I resigned my other ones
11	Α.	Yes.	11		recently.
12	Q.	Could you please identify those?	12	Q.	What are the other ones that you had that you
13	Α.	A professional engineering, structural license.	13		resigned?
14	Q.	And could you tell us your educational	14	Α.	Local Housing Partnership and the School
15		background beginning with high school.	15		Building Committee.
16	Α.	Rye Neck High School, Maramoneck, New York.	16	Q.	And as a selectmen were you ever the selectmen
17		Then, let's see, Cornell University, bachelor of	17		designee liaison to the North Hill Advisory
18		science, and then Cornell University, masters of	18		Committee?
19		engineering.	19	Α.	No.
20	Q.	And when did you receive your bachelor of	20	Q.	Did you have any involvement with the North Hill
21		science degree from Cornell?	21		Advisory Committee or the North Hill Golf Course
22	Α.	1978.	22		during your tenure as a selectmen?
23	Q.	And your masters?	23	Α.	No.
24	Α.	1979.	24	Q.	Do you recall a proposal put forth in the late
		6			8
		0			
1	Q.	And since 1979, has your primary occupation been	1		90's by some of the folks on the North Hill
1 2	Q.	-	1 2		90's by some of the folks on the North Hill Advisory Committee to expand the course to 18
_	Α.	And since 1979, has your primary occupation been in the engineering field? Yes.		_	90's by some of the folks on the North Hill
2 3 4	_	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury,	2 3 4	Α.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes.
2 3 4 5	A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts?	2 3 4 5	A. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions
2 3 4 5 6	A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992.	2 3 4 5 6		90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that?
2 3 4 5 6 7	A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political	2 3 4 5 6 7	Α.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only.
2 3 4 5 6 7 8	A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury?	2 3 4 5 6 7 8	Α.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of
2 3 4 5 6 7 8 9	A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes.	2 3 4 5 6 7 8 9	A. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes?
2 3 4 5 6 7 8 9 10	A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold?	2 3 4 5 6 7 8 9 10	A. Q. A.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it.
2 3 4 5 6 7 8 9 10 11	A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994.	2 3 4 5 6 7 8 9 10 11	A. Q. A. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That
2 3 4 5 6 7 8 9 10 11 12	A. Q. Q. Q. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen.	2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q. A.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No.
2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A. Q. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen?	2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right?
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Q. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. Q. A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. Q.	 90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q. A. Q. A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years? Yes. And are those three-year terms?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years? Yes. And are those three-year terms? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked as the first exhibit.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q. A. Q. A. Q. A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years? Yes. And are those three-year terms? Yes. Have you had any other positions in town	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked as the first exhibit. (Exhibit No. 1 ID marked.)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Intil March 2009. So some 12 years? Yes. And are those three-year terms? Yes. Have you had any other positions in town government in Duxbury?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked as the first exhibit. (Exhibit No. 1 ID marked.)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Intil March 2009. So some 12 years? Yes. And are those three-year terms? Yes. Have you had any other positions in town government in Duxbury?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked as the first exhibit. (Exhibit No. 1 ID marked.) Sir, have you had a chance to take a look at
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years? Yes. And are those three-year terms? Yes. Have you had any other positions in town government in Duxbury? Yes. What are those?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked as the first exhibit. (Exhibit No. 1 ID marked.) Sir, have you had a chance to take a look at Exhibit Number 1? Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	And since 1979, has your primary occupation been in the engineering field? Yes. And how long have you lived in Duxbury, Massachusetts? Since December 1992. And at some point did you run for political office in Duxbury? Yes. What offices did you hold? First was Planning Board. I think it was 1994. Then in March 1997, selectmen. And how long did you serve as selectmen? Until March 2009. So some 12 years? Yes. And are those three-year terms? Yes. Have you had any other positions in town government in Duxbury? Yes. What are those?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	90's by some of the folks on the North Hill Advisory Committee to expand the course to 18 holes? Yes. And did you participate in the discussions regarding that? Peripherally only. What was your view regarding the expansion of the course to 18 holes? I was against it. And it never became an eventuality? That No. passed, right? Are you do you know an individual named Michael Doolin? I do not. MR. FOLLANSBEE: I'd ask that be marked as the first exhibit. (Exhibit No. 1 ID marked.) Sir, have you had a chance to take a look at Exhibit Number 1? Yes.

		9			11
1	Α.	Yes.	1		Club?
2	Q.	Do you remember the issue that Mr. Doolin was	2	Α.	Yes.
3		addressing	3	Q.	And do you recall an issue being presented to
4	Α.	Vaguely.	4		town counsel for this review?
5	Q.	the board about?	5	Α.	No. I don't recall.
6	Α.	Yes.	6	Q.	Now, after referring it to Gordon Cushing, did
7	Q.	And did you ever do you recall meeting with	7		you have any more feedback from anybody
8		Mr. Doolin or any of the other folks from the	8		concerning this 18 hole tee time issue?
9		North Hill Advisory Committee about the subject	9	Α.	We may have. I don't recall exactly whether
10		matter of this letter?	10		no. I don't recall.
11	Α.	I don't remember. No.	11	Q.	And did you contact or have any contact yourself
12	Q.	Did you ever attend any meetings of the North	12		with anybody from Johnson Golf Management to go
13		Hill Advisory Committee in the board of	13		over these issues?
14		selectmen room where they kind of aired out the	14	Α.	No.
15		issues that he's addressing here?	15	Q.	Have you ever had any contact yourself with
16	Α.	Just, are you referring to a board of selectmen	16		anybody
17		meeting?	17	Α.	No.
18	Q.	No. I'm referring to a North Hill Advisory	18	Q.	at Johnson Golf?
19		Committee meeting that took place in the board	19		MS. COOK: And just let him get the whole
20		of selectmen Mural Room.	20		question out before you start answering. Okay?
21	Α.	I don't believe so, no.	21		Thanks.
22	Q.	Do you recall any board of selectmen meetings	22	Q.	With regard to the contract between the town of
23		where the issues that Mr. Doolin is talking	23		Duxbury and Johnson Golf Management that was in
24		about in this exhibit were addressed to the	24		effect from 1997 to 2008, did you have any
		10			12
1		board of selectmen?	1		opportunity to ever review that contract?
2	Α.	Yes.	2	Α.	No.
3	Q.	And what do you remember about that?	3	Q.	Having received this letter from Mr. Doolin, did
4	Α.	Very vaguely I remember the general issue, and I	4		the board of selectmen take any action at all
5		think probably referring it to Gordon would	5		other than referring it to Gordon Cushing?
6		be in other words, trying to get some more	6	Α.	I don't believe we did, no.
7		information.	7	Q.	After did you ever make any appointments of
8	Q.	When you say referred to Gordon, you mean Gordon	8		any individual to the North Hill Advisory
9	_	Cushing	9		Committee yourself?
10	Α.	Yes.	10		MR. KESTEN: What do you mean?
11	Q.	the recreation director?	11		MS. COOK: Objection.
12		I should have asked this before. Do you	12	_	MR. KESTEN: What do you mean yourself?
			13	Q.	Nominate anyone. Did you nominate anyone to be
13	_	play golf yourself?			
14	Α.	No. Well, no. I don't call it golf.	14	_	on the North Hill Advisory Committee?
14 15	Α.	No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around	14 15	Α.	No.
14 15 16		No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns.	15 16	A. Q.	No. And am I correct that the individuals who are
14 15 16 17	A. Q.	 No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting 	15 16 17		No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee
14 15 16 17 18	Q.	No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated?	15 16 17 18	Q.	No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen?
14 15 16 17 18 19		 No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated? Yes. 	15 16 17 18 19	Q. A.	No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen? Yes.
14 15 16 17 18 19 20	Q. A.	No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated? Yes. MR. KESTEN: Looking for balls.	15 16 17 18 19 20	Q.	No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen? Yes. Do you ever recall appointing Mr. Doolin to the
14 15 16 17 18 19 20 21	Q.	No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated? Yes. MR. KESTEN: Looking for balls. Were you aware did you understand that one of	15 16 17 18 19 20 21	Q. A. Q.	 No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen? Yes. Do you ever recall appointing Mr. Doolin to the North Hill Advisory Committee?
14 15 16 17 18 19 20 21 22	Q. A.	No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated? Yes. MR. KESTEN: Looking for balls. Were you aware did you understand that one of the major components of Mr. Doolin's	15 16 17 18 19 20 21 22	Q. A.	 No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen? Yes. Do you ever recall appointing Mr. Doolin to the North Hill Advisory Committee? I don't recall, but if he was appointed at the
14 15 16 17 18 19 20 21 22 23	Q. A.	 No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated? Yes. MR. KESTEN: Looking for balls. Were you aware did you understand that one of the major components of Mr. Doolin's dissatisfaction was that he could no longer make 	15 16 17 18 19 20 21 22 23	Q. A. Q.	 No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen? Yes. Do you ever recall appointing Mr. Doolin to the North Hill Advisory Committee? I don't recall, but if he was appointed at the time I was on the selectmen, then I would have
14 15 16 17 18 19 20 21 22 23 24	Q. A.	No. Well, no. I don't call it golf. MR. KESTEN: You call it walking around lawns. You calling it walking around and getting frustrated? Yes. MR. KESTEN: Looking for balls. Were you aware did you understand that one of the major components of Mr. Doolin's dissatisfaction was that he could no longer make 18 hole tee times at the North Hill Country	 15 16 17 18 19 20 21 22 23 24 	Q. A. Q. A.	 No. And am I correct that the individuals who are appointed to the North Hill Advisory Committee are appointed by a vote of the selectmen? Yes. Do you ever recall appointing Mr. Doolin to the North Hill Advisory Committee? I don't recall, but if he was appointed at the

		13			15
1	Q.	In the, well, if I suggest to you that in	1		remember.
2		January of 2004 when Mr. Doolin wrote the letter	2	Q.	Do you know what they're referring to in the
3		that's Exhibit Number 1, sometime between that	3		third paragraph of Page 1 where they refer to
4		period and the summer of 2001 Mr. Doolin was	4		the fact that the opinion of town counsel has
5		appointed to the North Hill Advisory	5		been that the manager was within their legal
6		Committee	6		right even though it may conflict with the
7		MS. COOK: Do you mean the summer of	7		obvious intent as stated in the management
8		2004?	8		agreement? Do you know what they meant by that?
9		MR. FOLLANSBEE: Did I say eight?	9	Α.	Well, having looked at this, Exhibit 1, I think
10		MS. COOK: 2001.	10		it's an issue like that, for example.
11		MR. FOLLANSBEE: 2004. I'll go back.	11	Q.	The tee time issue?
12		I'll withdraw that question and ask a better	12	Α.	Yeah.
13		one.	13	Q.	And did you understand that I mean, you knew
14	Q.	Do you remember Mr. Doolin being appointed in	14		it was a 9 hole golf course, obviously. Did you
15		2004 to the North Hill Advisory Committee?	15		understand that by using 18 holes of tee times,
16	Α.	I do not recall, no.	16		individuals would be depriving somebody else of
17	Q.	Do you think that it's an appropriate course of	17		the opportunity to play there?
18		action, to take someone who is clearly this	18		MS. COOK: Objection.
19		dissatisfied and appoint him as an oversight	19	Α.	Yes.
20		person to the company that's running the golf	20	Q.	And did you have a position yourself on that
21		course?	21		issue?
22		MS. COOK: Objection. You can answer.	22	Α.	No.
23	Α.	I see no problem with it, no, because	23	Q.	And having referred it to Gordon Cushing, were
24		THE WITNESS: Can I elaborate a little	24		you satisfied with the way Gordon Cushing had
		14	-		16
1		bit?	1		resolved or handled the situation?
2		MR. KESTEN: You've started.	2	•	MS. COOK: Objection.
3	0	THE WITNESS: Yeah.	3	A.	Yes.
4	Q.	I will allow you to. They may not want you to	4	Q.	So personally, you didn't have a position
5 6	•	elaborate, but I would love you to elaborate.	5		whether they got 18 hole tee times or not; is
7	Α.	Very often we would appoint people to committees that wanted to get involved and had an interest	6 7	Α.	that correct? Yes.
8		in a topic, so that was a very common thing.	8	Q.	Now, in the summer of 2008, between May and
9		MR. FOLLANSBEE: I'd ask this be marked	9	ч.	September of 2008, did you personally review any
10		as the next exhibit.	10		of the RFP documents?
11		(Exhibit No. 2 ID marked.)	11	Α.	Can you repeat the dates.
12	0		12	Q.	Yes. Between May 14th of 2008 and the end of
13	U .	Okay. Having had a chance to review Exhibit			
	Q.	Okay. Having had a chance to review Exhibit Number 2, do you remember the RFP process for	13		September of 2008, did you review any of the RFP
	Q.	Number 2, do you remember the RFP process for	13 14		September of 2008, did you review any of the RFP documents pertaining to the North Hill Country
14 15	Q.				September of 2008, did you review any of the RFP documents pertaining to the North Hill Country Club?
14	Q.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place	14	Α.	documents pertaining to the North Hill Country
14 15		Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008?	14 15	A. Q.	documents pertaining to the North Hill Country Club?
14 15 16	Α.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008? Not really, no.	14 15 16	_	documents pertaining to the North Hill Country Club? Yes.
14 15 16 17	Α.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008? Not really, no. Having had a chance to read the letter, does	14 15 16 17	Q.	documents pertaining to the North Hill Country Club? Yes. Did you suggest any changes to them?
14 15 16 17 18	Α.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008? Not really, no. Having had a chance to read the letter, does that refresh any memory that you have regarding	14 15 16 17 18	Q. A.	documents pertaining to the North Hill Country Club? Yes. Did you suggest any changes to them? Yes.
14 15 16 17 18 19	Α.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008? Not really, no. Having had a chance to read the letter, does that refresh any memory that you have regarding some of the issues that the North Hill Advisory	14 15 16 17 18 19	Q. A. Q.	documents pertaining to the North Hill Country Club? Yes. Did you suggest any changes to them? Yes. Do you remember what changes you had suggested?
14 15 16 17 18 19 20	A. Q.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008? Not really, no. Having had a chance to read the letter, does that refresh any memory that you have regarding some of the issues that the North Hill Advisory Committee had regarding the RFP process?	14 15 16 17 18 19 20	Q. A. Q. A.	documents pertaining to the North Hill Country Club? Yes. Did you suggest any changes to them? Yes. Do you remember what changes you had suggested? Yes.
14 15 16 17 18 19 20 21	A. Q. A.	Number 2, do you remember the RFP process for the North Hill Golf Course that was taking place in 2008? Not really, no. Having had a chance to read the letter, does that refresh any memory that you have regarding some of the issues that the North Hill Advisory Committee had regarding the RFP process? Yes.	14 15 16 17 18 19 20 21	Q. A. Q. A.	documents pertaining to the North Hill Country Club? Yes. Did you suggest any changes to them? Yes. Do you remember what changes you had suggested? Yes. Could you please elaborate on what changes

1 MR. KESTEN: All right. 2 Charles Structures 2 Charles Structures Charles Structures Charles Structures 3 A. What was the question was, what suggestions did you have as the RFP process? Charles Structures Charles Structures 4 C. The question was, what suggestions and pre-permitting A. What and i of that to actually bid it. I was 1 A. Was the question? A. Was the question? 7 A. Partially. Charles Structures 9 are you not familiar with and which ones are you familiar with and which ones are you of familiar with. 10 Charles Structures Charles Structures 11 Concerned that including that in the bid RFP Charles Structures 12 Course you familiar with the process that had Charles Structures 13 C. Was, And ware you familiar with Eabert Troy as Mile Structures 14 taske place in the carlier RFP where a new Charles Structures Charles Structures 14 taske place in the carlier RFP where a new Charles Structures Charles Structures 15 A ves. Charles Structures Charles Structures Charles Structures 14 Ves.			17			19
2 (Discussion off the record.) 3 A. What was the question %, what suggestions did you have as far as the APP process? 3 A. What was the question %, what suggestions did you have as far as the APP process? 3 A 4 There was a suggestion to add a practice 6 Gordon Cushing? 7 A radially, and I was concerned that it would 8 Q. Which ones are you familiar with adwinch ones 9 performance specifications and pre-permitting, didn't it? 0 A. Wes. 0 10 and all of that to actually bid it. I was 10 A. Wes. 10 A. Well, Cushing, Richard, Madden, Steve Studley 11 and all of that to actually bid it. I was 10 A. Wes. 10 A. Wes. 12 would not be vise. 11 Dollin I was not familiar with. 11 Dollin I was not familiar with. 13 Q. Were you familiar with the process that had 13 Q. Okay. And were you familiar with adprocess the weil, stroy at verzon.net? 14 taken place in the earlier RFP where a new 14 Well, story at verzon.net? 15 A. Yes. 13 Q. Had that did include specifications and practice in story at verzon.net? 16 A. Yes. 18 <	1			1	Α.	
3 A What was the question? 3 e-mail list, are you familiar with the 4 Q. The question was, what suggestions did you have as far as the RP process? A There was a suggestion to dd a practice 6 5 A. There was a suggestion to dd a practice individuals, Mr. MacDonald, Mr. MacDonald, Mr. Yoy and 6 9 as are suggestion to add a practice individuals, Mr. MacDonald, Mr. MacDonald, Mr. Yoy and 6 9 as are suggestion to add a practice individuals, Mr. MacDonald, Mr. MacDonald, Mr. Yoy and 6 9 as are suggestion to add a practice individuals, Mr. MacDonald, Mr. MacDonald, Mr. Yoy and 6 9 are suggestion to add a practice individuals, Mr. MacDonald, Mr. MacDonald, Mr. Yoy and 6 9 are suggestion to add a practice individuals, Mr. MacDonald, Mr. Yoy and 6 9 are suggestion to add a practice individuals, Mr. MacDonald, Mr. Yoy and 7 10 A were you familiar with the process that had 10 10 11 would not be wise. 11 and Betsy and Jon, Jon Witten, MacDon. Netset Yeal, Cashing, Richard, Madden, Steve Studiey 11 and taid include specifications and 12 Netse. 13 Q. Oser, And were you familiar with Abebet Troy as 12	2		_	2	Q.	And as far as the other individuals on the
5 as far as the RFP process? 5 Mr. Doolin, Betsy Sullivan, Robert Troy and Gordon Cushing? 6 A. There was a suggestion to add a practice for facility, and T was concerned that it would able without rock solid performance specifications and pre-permitting for that to actually bid it. I was in a dial of that to actually bid it. I was in a dial of that to actually bid it. I was in a dial concerned that including that in the bid RFP would not be wise. 7 A Partially. 10 and all of that to actually bid it. I was in the bid RFP would not be wise. 10 A. Weil, Cushing, Richard, Madden, Steve Studley and Besty and Jon, Jon Withen I'm familiar with. 12 would not be wise. 11 Q. Were you familiar with the process that had taken place in the earlier RFP where a new end, rotred at the would be specifications and the did include specifications and the did include specifications and the your thought was that the way the RFP was the being structured in 2008, you didn't have that level of specificity that would be required? 16 A. Yes. 10 M K your. 18 Yes. 11 Was the process for the North Hill 21 recommendation that the RFP go out to bid the RFP was the way the RFP was thiou including the practice facility? 14 A Yes. 20 10 Q. Other than the RFP process for the North Hill 20 11 recommendation that the RFP go out to bid the gradity facility? 14 A Yes. 20	3	Α.		3		e-mail list, are you familiar with the
6 A. There was a suggestion to add a practice facility, and I was concerned that it would before a specifications and pre-permitting and all of that to actually bid it. I was concerned that including that in the bid RPP would not be wise. 6 Gordon Cushing? 10 and all of that to actually bid it. I was clubhouse was built as part of the process that had taken place in the earlier RFP where a new clubhouse was built as part of the process that had taken place in the earlier RFP where a new clubhouse was built as part of the procedure? 10 A. Weil, Cushing, Richard, Madden, Steve Studley 11 17 Q. And that did include specifications and permitting, didn't it? 10 A. Weis. 18 permitting, didn't it? 14 A Yes. 19 A. Yes. 11 A. Yes. 20 But your thought was that the way the RFP was the level of specificity that would be required? 13 A. Yes. 21 Q. And as a result of that, was it your 24 A. Yes. 20 23 A. Yes. 14 Q. Other than the RFP process for the North Hill contury club, during your tenure on the board of selectmen were there any other RFP processes for thirovolved in the RFP process included for drafts of the RFP vaces. 14 C. Other than the RFP process for the North Hill Country Club, during your tenure on the board of selectmen were involved with for the town of Duxbury? 6 M. FICLLANSBEE: T d ask that this be m	4	Q.	The question was, what suggestions did you have	4		individuals, Mr. MacDonald, Mr. Madden,
7 facility, and I was concerned that it would basically be unbiddable without rock solid performance specifications and pre-permitting and all of that to actually bid it. I was concerned that incluing that in the bid RFP would not be wise. 7 A. Partially. 10 and all of that to actually bid it. I was concerned that incluing that in the bid RFP would not be wise. 10 A. Well, Cushing, Richard, Madden, Steve Studley and Betsy and Jon, Jon Witten Tm familiar with. 13 Q. Were you familiar with the process that had taken place in the earlier RFP where a new clubhouse was built as part of the procedure? 13 Q. Okay. And were you familiar with Robert Troy as well, rstroy at verizon.net? 14 taken place in the earlier RFP where a new clubhouse was built as part of the procedure? 15 A. Yes. 16 Q. And that did include specifications and permitting, didn't it? 18 A. Yes. 19 A. It was the custom and practice in 2008 to circulate these materials via e-mails vell or specificity that would be required? 23 A. Yes. 19 A. It was the table partice in 2008 to circulate these materials via e-mail, correct? 24 Q. And as a result of that, was it your 18 Yes. 20 Tar as what happened specifically with regard to the KPP process, correct? 23 A. Yes	5		as far as the RFP process?	5		Mr. Doolin, Betsy Sullivan, Robert Troy and
8 basically be unbiddable without rock solid 8 Q. Which ones are you familiar with and which ones are you not familiar with? 10 and all of that to actually bid it. I was functions and pre-permitting 10 A. Weil, Cushing, Richard, Madden, Steve Studley and Betsy and Jon, Jon Witten I'm familiar with. 11 concerned that including that in the bid RFP would not be wise. 10 A. Weil, Cushing, Richard, Madden, Steve Studley and Betsy and Jon, Jon Witten I'm familiar with. 12 out of the would not be wise. 11 Concerned that including that in the bid RFP would and it with the process that had 14 taken place in the earlier RFP where a new clubhouse was built as part of the procedure? 13 Q. Okay. And were you familiar with Robert Troy as well, rstroy at verizon.net? 17 Q. And that did include specifications and perimiting, didn't it? 13 M. S. COOK: Objection. 18 permitting, didn't it? 18 M. S. COOK: Objection. 19 A. Yes. 20 10 The steve of specificity that would be required? 23 A. Yes. 20 14 Yes. 20 11 recommendation that the RFP go out to bid 18 10 Other than the RFP process, for the North Hill 2 involved in the RFP process including	6	Α.	There was a suggestion to add a practice	6		Gordon Cushing?
9 performance specifications and pre-permitting and all of that to actually bid it. I was concerned that including that in the bid RFP would not be wise. 9 are you not familiar with? 12 would not be wise. 10 A. Well, Cushing, Richard, Madden, Steve Studley and Betsy and Jon, Jon Witten I'm familiar with. 13 Q. Were you familiar with the process that had taken place in the earlier RFP where a new 13 Q. Okay. And were you familiar with. 14 taken place in the earlier RFP where a new 15 A. Yes. 16 Q. It was not familiar with. 16 A. Yes. 16 Q. It was not familiar with. 17 Q. Okay. And were you familiar with. 19 A. Yes. 16 Q. It was not familiar with. 100 in I was not familiar with. 19 A. Yes. 16 Q. It was not familiar with. 100 in I'was not familiar with. 19 A. Yes. 16 Q. It was the ustom and practice in 2008 to involve on thought was that the way the RFP was 16 Q. It was the custom and practice in 2008 to it wolve on that the RFP go out to bid 17 N. Cook: Objection. 21 C. Ind as a result of that, was it your 24 A Yes. 20 17 23 A. Yes. 18 1 Q. Other tha	7		facility, and I was concerned that it would	7	Α.	Partially.
10 and all of that to actually bid it. I was 10 A. Well, Cushing, Richard, Madden, Steve Studley 11 concerned that including that in the bid RFP and Betsy and Jon, Jon Witten T'm familiar with. 13 Q. Were you familiar with the process that had 13 Q. Okay. And were you familiar with Robert Troy as 14 taken place in the earlier RFP where a new 14 Guib House was built as part of the procedure? 16 A. Yes. 15 A. Yes. 16 A. Yes. 16 Q. It was the custom and practice in 2008 to 17 Q. And that did include specifications and 17 G. It was the custom and practice in 2008 to 17 Q. But your thought was that the way the RFP was 19 A. It was th custom and practice in 2008 to 18 A. Yes. 19 A. It was th custom and practice in 2008 to 10 14 recommendation that the RFP go out to bid 20 10 It was the custom and practice of the North Hill 2 MS. COOK: Objection. 24 A. Yes. 20 14 recommendation that the RFP go out to bid 20 10 Other than the RFP process for the North Hill 2 MS. COOK: Objection. 24 <th>8</th> <th></th> <th>basically be unbiddable without rock solid</th> <th>8</th> <th>Q.</th> <th>Which ones are you familiar with and which ones</th>	8		basically be unbiddable without rock solid	8	Q.	Which ones are you familiar with and which ones
11 concerned that including that in the bid RFP 11 and Betsy and Jon, Jon Witten I'm familiar with. 12 would not be wise. 13 Q. Were you familiar with the process that had 13 Q. Okay. And were you familiar with. Doolin I was not familiar with. 13 Q. Were you familiar with the process that had 13 Q. Okay. And were you familiar with Robert Troy as 14 taken place in the earlier RFP where a new 14 well, rstroy at verizon.net? 15 A. Yes. 16 Q. It was the custom and practice in 2008 to 17 Q. And that did include specifications and 17 C. It was the custom and practice in 2008 to 18 permitting, didn't it? 18 N texes 19 A. It wasn't necessarily practice, but yes, 20 Q. Kets 18 It wasn't necessafily practice, but yes, 20 21 Q. And as a result of that, was it your 24 A. Yes. 20 23 A. Yes. 18 1 Q. Other than the RFP process for the North Hill 2 without including the practice facility? 2 Ms. <th>9</th> <th></th> <th>performance specifications and pre-permitting</th> <th>9</th> <th></th> <th>are you not familiar with?</th>	9		performance specifications and pre-permitting	9		are you not familiar with?
12 would not be wise. 12 Doolin I was not familiar with. 13 Q. Were you familiar with the process that had 13 Q. Okay. And were you familiar with. Robert Troy as 14 taken place in the earlier RFP where a new 14 well, rstroy at verizon.net? 16 A. Yes. 15 A. Yes. 16 17 Q. And that did include specifications and 17 Cloulate these materials via e-mail, correct? 18 Permitting, didn't it? 18 MS. COOK: Objection. 19 A. Yes. 19 A. It wasn't necessarily practice, but yes, cocasionally we would ot it, yes. 21 being structured in 2008, you didn't have that 21 Q. That's what happened specifically with regard to the RFP process, correct? 23 A. Yes. 23 MS. COOK: Objection. 20 24 A. Yes. 20 10 Cother than the RFP process for the North Hill 2 without including the practice facility? 3 selectmen were three any other RFP processes of the North Hill 2 marked as the next exhibit. 10 Q. Other than the RFP process for the North Hill 2 marked as the next exhibit. 11 A. Yes.	10		and all of that to actually bid it. I was	10	Α.	Well, Cushing, Richard, Madden, Steve Studley
13 Q. Were you familiar with the process that had taken place in the earlier RFP where a new 13 Q. Okay. And were you familiar with Robert Troy as well, rstroy at verizon.net? 14 taken place in the earlier RFP where a new 14 well, rstroy at verizon.net? 15 A. Yes. 15 A. Yes. 16 A. Yes. 16 C. It was the custom and practice in 2008 to circulate these materials via e-mail, correct? 18 permitting, didn't it? 18 A. Yes. 19 A. Yes. 19 A. It wasm't necessarily practice, but yes, occasionally we would to it, yes. 20 Q. But your thought was that the way the RFP was being structured in 2008, you didn't have that 20 21 level of specificity that would be required? 23 MS. COOK: Objection. 22 Q. And as a result of that, was it your 24 A. Yes. 20 1 recommendation that the RFP go out to bid involved in the RFP process including 10 Other than the RFP process for the North Hill 2 without including the practice facility? 3 4 Ha you were involved with for the town of 3 A. It know I received it. I don't recall anybody 9 6 A. I can't recall. There may have been, but I	11		concerned that including that in the bid RFP	11		and Betsy and Jon, Jon Witten I'm familiar with.
14 taken place in the earlier RFP where a new 14 well, rstroy at verizon.net? 15 clubhouse was built as part of the procedure? 16 A. Yes. 16 A. Yes. 16 A. Yes. 17 C. And that did include specifications and permitting, didn't it? 16 Q. It was the custom and practice in 2008 to circulate these materials via e-mail, correct? 18 permitting, didn't it? 18 MS. COOK: Objection. 19 A. Yes. 20 But your thought was that the way the RFP was 20 occasionally we would do it, yes. 21 level of specificity that would be required? 23 A. Yes. 21 That's what happened specifically with regard to the RFP process, correct? 23 A. Yes. 24 A. Yes. 20 Courtry Club, during your tenure on the North Hill 2 recommendation that the RFP go out to bid 2 MS. COOK: Objection. 24 24 A. Yes. 3 Yes. 3 Yes. 20 14 recommendation that the RFP go out to bid 2 Country Club, during your tenure on the board of 3 3 A. Yes. 3 It can't recall. There may have been, but I<	12		would not be wise.	12		Doolin I was not familiar with.
15 clubhouse was built as part of the procedure? 15 A. Yes. 16 A. Yes. 16 C. It was the custom and practice in 2008 to circulate these materials via e-mail, correct? 17 Q. And that did include specifications and 17 It was n't necessarily practice, but yes, occasionally we would do it, yes. 19 A. Yes. 19 A. It wasn't necessarily practice, but yes, occasionally we would do it, yes. 20 Q. But your thought was that the way the RFP was tevel of specificity that would be required? 20 21 level of specificity that would be required? 23 23 A. Yes. 24 24 A. Yes. 20 25 It recommendation that the RFP go out to bid without including the practice facility? 24 3 A. Yes. 20 11 recommendation that the various people 1 12 without including the practice facility? 3 3 A. Yes. 3 4 A. Yes. 4 10 marked as the next exhibit. 1 21 (Exhibit No. 3 ID marked.) 13 3 ast for as you know, did the town of Duxbury hire any consultant to	13	Q.	Were you familiar with the process that had	13	Q.	Okay. And were you familiar with Robert Troy as
16 A. Yes. 16 Q. It was the custom and practice in 2008 to circulate these materials via e-mail, correct? 18 permitting, didn't it? 18 MS. COOK: Objection. 18 permitting, didn't it? 18 MS. COOK: Objection. 20 Q. But your thought was that the way the RFP was 19 A. Yes. 20 21 being structured in 2008, you didn't have that 19 A. It wasn't necessarily practice, but yes, occasionally we would do it, yes. 22 A. Yes. 20 That's what happened specifically with regard to the RFP process, correct? 23 A. Yes. 23 MS. COOK: Objection. 24 Q. And as a result of that, was it your 24 A. Yes. 20 Other than the RFP process for the North Hill 20 21 recommendation that the RFP go out to bid 1 Q. Other than the RFP process for the North Hill 22 without including the practice facility? 3 Selectmen were involved with for the town of 3 A. Yes. 20 Other than the RFP process for the North Hill 2 Cushing, yourself and others circulated 1 Can't recall. There may have been, but I 3 A. Team	14		taken place in the earlier RFP where a new	14		well, rstroy at verizon.net?
17 Q. And that did include specifications and permitting, didn't it? 17 circulate these materials via e-mail, correct? 18 permitting, didn't it? 18 MS. COOK: Objection. 19 A. Yes. 19 A. Yes. 20 Q. But your thought was that the way the RFP was being structured in 2008, you didn't have that level of specificity that would be required? 19 A. It wasn't necessarily practice, but yes, coccasionally we would do it, yes. 21 Q. And as a result of that, was it your 24 A. Yes. 20 24 Q. And as a result of that, was it your 24 A. Yes. 20 1 recommendation that the RFP go out to bid without including the practice facility? 2 4. Yes. 2 A. Yes. 20 1 Q. Other than the RFP process for the North Hill 2 without including the practice facility? 3 selectmen were there any other RFP processes 3 A. Yes. 3 Selectmen were there any other RFP processes 4 4 Garits of the RFP via e-mails? 7 can't recall. There may have been, but I 3 a. I know I received it. I don't recall anybody else. 9 Q. As far as you know, did the town of Duxbury hire any consultant t	15		clubhouse was built as part of the procedure?	15	Α.	Yes. Yes.
18 permitting, didn't it? 19 A. Yes. 20 Q. But your thought was that the way the RFP was being structured in 2008, you didn't have that level of specificity that would be required? 21 being structured in 2008, you didn't have that level of specificity that would be required? 23 A. Yes. 24 Q. And as a result of that, was it your 18 mercommendation that the RFP go out to bid 2 without including the practice facility? 3 A. Yes. 20 And as or result of the RFP process including 6 Mr. Cushing, yourself and others circulated drafts of the RFP via e-mails? 7 drafts of the RFP via e-mails? 8 A. I know I received it. I don't recall anybody 9 else. 10 MR. FOLLANSBEE: I'd ask that this be marked as the next exhibit. 11 marked as the next exhibit. 12 (Exhibit No. 3 ID marked.) 13 Q. If I could direct your attention to Exhibit 14 Number 3, and you may be able to make out at the very bottom, these were from the Sullivan deposition and the pages start at 23. If you tou doy to Page 26. 18 A. I don't see oh. I see that. It's cut off.	16	Α.	Yes.	16	Q.	It was the custom and practice in 2008 to
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	21		you just described, correct?	21	Q.	Having had a chance to review the minutes from
23 Q. And is this what you were referring to when you 23 that some of the patrons at the golf course were	22	Α.	Yes.	22		August 25, 2008, do you remember what it was
	23	Q.	And is this what you were referring to when you	23		that some of the patrons at the golf course were
24 were talking about the specifications issues? 24 complaining about? 5 of 12 sheets Page 17 to 20 of 48						complaining about?

		21			23
1	Δ	Yes.	1		of the selectmen as well?
2		Are these minutes consistent with your memory as	2	Δ	Yes.
3	ч.	to what the issues were?	3		And what response, if any, did you have to
4	Α.	Yes.	4	α.	Mr. Doyle?
	Q.		5	۸	I don't recall specifically me.
5	હ.	Now, with regard to Mr. Doolin who was the chairman of the North Hill Advisory Committee,	6	Q.	
6			-	α.	•
7		and this is on Page 4 of the minutes, second	7	•	him collectively?
8		paragraph, did you understand at the time what	8		Yes.
9		he was talking about when he said he'd like to	9		What was their response?
10	•	see a greater focus on service over price?	10	Α.	· · · · · · · · · · · · · · · · · · ·
11	A.	Yes.	11	~	management.
12	Q.	What was your understanding of what he was	12	Q.	
13	•	looking for?	13		Yes.
14	Α.	I think it was relating to the tee times, for	14	Q.	
15	•	instance.	15		believed that the management company was running
16	Q.	And so, again, the focus for that gentleman was	16	•	the club in a manner to discourage play?
17		that he wanted to be able to get 18 holes worth	17		I can't remember, no.
18		of tee times on weekends and holidays; is that	18	Q.	And as far as the next paragraph, the reference
19	•	it?	19		to North Hill being expensive relative to other
20		Yes.	20	•	area clubs, did you ever investigate that issue?
21	Q.	Did you have any position on whether or not	21	A.	
22		folks should be able to get double tee times on	22	Q.	And I assume as a relative non-golfer you
23	•	weekends and holidays yourself?	23		weren't aware what the prices were at other area
24	Α.	No.	24		clubs?
					04
	0	22		٨	24
1	Q.	And do you understand how revenue would increase	1	_	Correct.
2	Q.	And do you understand how revenue would increase if 18 hole tee times were given?	2	A. Q.	Correct. Other than Mr. Doyle's issues with the North
2 3	_	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection.	2 3	_	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to
2	Α.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No.	2 3 4	_	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other
2 3 4 5	_	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the	2 3 4 5	Q.	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town?
2 3 4 5 6	Α.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you	2 3 4 5 6	Q. A.	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle?
2 3 4 5 6 7	A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle?	2 3 4 5 6 7	Q. A. Q.	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes.
2 3 4 5 6 7 8	A. Q. A.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes.	2 3 4 5 6 7 8	Q. A. Q. A.	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes.
2 3 4 5 6 7 8 9	A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the	2 3 4 5 6 7 8 9	Q. A. Q.	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who
2 3 4 5 6 7 8 9 10	A. Q. A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill?	2 3 4 5 6 7 8 9	Q. A. Q. A.	Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Q. A. Q. A.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Q. Q. Q.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board of selectmen; would you characterize him as such?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Q. Q. Q.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A.Q. A.Q. A.Q. A.Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes. Do you remember what he said to you? He just was not satisfied.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A. Q. A.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he brought to the attention of the board of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes. Do you remember what he said to you? He just was not satisfied. And did he say why he wasn't satisfied?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. A. Q. A. Q. A. Q.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he brought to the attention of the board of selectmen?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes. Do you remember what he said to you? He just was not satisfied. And did he say why he wasn't satisfied? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A. Q. A.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he brought to the attention of the board of selectmen? Some roadway issues, some school building
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A. Q. A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes. Do you remember what he said to you? He just was not satisfied. And did he say why he wasn't satisfied? Yes. What did he say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he brought to the attention of the board of selectmen? Some roadway issues, some school building issues.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes. Do you remember what he said to you? He just was not satisfied. And did he say why he wasn't satisfied? Yes. What did he say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A. Q.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he brought to the attention of the board of selectmen? Some roadway issues, some school building issues. Were you given a copy of the request for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A. Q. A. Q.	And do you understand how revenue would increase if 18 hole tee times were given? MS. COOK: Objection. No. In the, let's see. In the fourth paragraph, the comments from Mr. Doyle, do you know or did you know Mr. Bob Doyle? Yes. And had Mr. Doyle ever discussed with you the issues up at North Hill? Yes. What do you remember or do you remember what Mr. Doyle's issues were? Essentially what's written there. Did he bring those to your attention privately? Yes. Do you remember what he said to you? He just was not satisfied. And did he say why he wasn't satisfied? Yes. What did he say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q.	 Correct. Other than Mr. Doyle's issues with the North Hill Country Club, did he bring other issues to you and other board of selectmen for other issues in town? Are you referring to Mr. Doyle? Mr. Doyle, yes. Yes. Would you characterize Mr. Doyle as a fellow who was frequently bringing complaints to the board of selectmen? No. How about sporadically bringing complaints to the board the board of selectmen; would you characterize him as such? No. What other issues, if any, do you recall that he brought to the attention of the board of selectmen? Some roadway issues, some school building issues.

		25			27
4		2008?	4		
1	^		1		for the operation and maintenance of a golf
2	А.	Can you clarify. After it was issued or before it was issued?	2		course or a comparable business enterprise.
3	0		3		Do you remember seeing that language in
4	Q.		4	•	the RFP draft that you reviewed?
5	^	after it was issued?	5	A.	No. I don't remember.
6		I saw yes.	6	Q.	And did you have any discussion with anybody
7	Q.		7		about what that term meant in the context of the
8	А.	I think probably about that September e-mail,	8		operation and maintenance of a golf course or a
9	~	September 16th.	9	•	comparable business enterprise?
10	Q.	And if I suggest to you that the bid date on the	10	A.	No.
11		RFP for the fall of 2008 was October 24th when	11	Q.	And was there ever a discussion between your
12		proposals were due, would you have seen it	12		board of selectmen and Attorney Troy in which
13		before October 24th?	13		the board of selectmen suggested that language
14	А.	Yes. I just said	14	•	to Attorney Troy?
15		MR. KESTEN: He just said he saw it in	15	Α.	No.
16		September.	16	Q.	And was there ever any discussion with
17		MR. FOLLANSBEE: I'd ask that this be	17		Mr. Cushing and the board of selectmen
18	_	marked as the next exhibit.	18		suggesting that the board of selectmen wanted
19	Α.	But I just want to make clear that was the	19		the expression comparable business enterprise
20		draft. I don't believe I saw the final.	20	_	included in the RFP?
21		(Exhibit No. 5 ID marked.)	21	_	No.
22		MR. KESTEN: What's the question?	22	Q.	And other than my just calling your attention to
23		MR. FOLLANSBEE: I didn't have a	23		it, did you even know that the expression
24		question. I just wanted it to be marked.	24		comparable business enterprise was in the RFP?
		26			
				-	28
1		MR. KESTEN: He said he's never seen it.	1		Yes, I have. Yes.
2		MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the	1 2	Q.	Yes, I have. Yes. And is that from newspaper accounts?
		MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing.		Q. A.	Yes, I have. Yes. And is that from newspaper accounts? Yes.
2 3 4		MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read	2 3 4	Q. A.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was
2 3 4 5		MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it.	2 3 4 5	Q. A.	Yes, I have. Yes.And is that from newspaper accounts?Yes.So other than the fact that litigation wascommenced and there had been some newspaper
2 3 4 5 6	Q.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember	2 3 4 5 6	Q. A.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the
2 3 4 5	Q.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business	2 3 4 5 6 7	Q. A.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in
2 3 4 5 6 7 8		MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business enterprise in the draft?	2 3 4 5 6 7 8	Q. A. Q.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in the RFP that had been sent out by Duxbury?
2 3 4 5 6 7	Α.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business enterprise in the draft? No.	2 3 4 5 6 7 8 9	Q. A. Q.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in the RFP that had been sent out by Duxbury? Correct.
2 3 4 5 6 7 8 9 10	A. Q.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business enterprise in the draft? No. Do you remember that issue ever coming up?	2 3 4 5 6 7 8 9 10	Q. A. Q.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in the RFP that had been sent out by Duxbury? Correct. And you certainly didn't discuss it with
2 3 4 5 6 7 8 9 10 11	А. Q. А.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business enterprise in the draft? No. Do you remember that issue ever coming up? No.	2 3 4 5 6 7 8 9 10 11	Q. A. Q.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in the RFP that had been sent out by Duxbury? Correct. And you certainly didn't discuss it with Attorney Troy or Mr. MacDonald or Mr. Cushing;
2 3 4 5 6 7 8 9 10 11 12	A. Q.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business enterprise in the draft? No. Do you remember that issue ever coming up? No. And do you have any understanding of what is a	2 3 4 5 6 7 8 9 10 11 12	Q. A. Q. A.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in the RFP that had been sent out by Duxbury? Correct. And you certainly didn't discuss it with Attorney Troy or Mr. MacDonald or Mr. Cushing; is that correct?
2 3 4 5 6 7 8 9 10 11 12 13	А. Q. А.	MR. KESTEN: He said he's never seen it. I didn't know if you wanted him to read the whole thing. MR. FOLLANSBEE: I don't need him to read it. In the draft that you reviewed, do you remember seeing an expression called comparable business enterprise in the draft? No. Do you remember that issue ever coming up? No. And do you have any understanding of what is a comparable business enterprise with regard to	2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q. A.	Yes, I have. Yes. And is that from newspaper accounts? Yes. So other than the fact that litigation was commenced and there had been some newspaper accounts, you had no knowledge that the expression comparable business enterprise was in the RFP that had been sent out by Duxbury? Correct. And you certainly didn't discuss it with Attorney Troy or Mr. MacDonald or Mr. Cushing; is that correct? Correct.
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		29			31	
1	Α.	Betsy Sullivan, and it would have been Jon	1		of the bids and the formal complaint that had	
2		Witten.	2		been filed in the Middlesex Superior Court	
3	Q.	And do you know who the chairperson was?	3		against the town by Johnson Golf?	
4	Α.	What time 2008?	4	Α.	I can't recall any specific discussions, no.	
5	Q.	In December of 2008.	5		MR. FOLLANSBEE: I'd ask this be marked	
6	Α.	Let's see. December 2008. I believe it would	6		as the next exhibit.	
7		have been me.	7		(Exhibit No. 6 ID marked.)	
8	Q.	I'm not trying to give you a trick question. I	8	Q.		
9		think we have	9		I'd like you to focus on is the second page, the	
10	Α.	I'm just trying to recall.	10		liquor license renewal for Johnson Golf	
11	Q.	We have some minutes of the selectmen indicating	11		Management.	
12	ч.	I'm not sure who the chair was. There are	12		MR. KESTEN: He's seen that.	
				0		
13		minutes that suggest it was Jon Witten.	13	Q.	Do you remember that issue coming up in December	
14		MR. KESTEN: September 8, 2008, Jon	14	•	of 2008?	
15		Witten.	15	Α.	Yes.	
16		THE WITNESS: Could have been.	16	Q.	And these minutes are from December 22nd of 2008	
17		MR. KESTEN: Here's the minutes.	17		and the complaint in this case had been filed on	
18		THE WITNESS: Maybe. Yeah.	18		December 12th of 2008.	
19	Q.	If the minutes say that, are you comfortable	19		At the time of this meeting do you	
20		that the minutes were accurate?	20		believe you would have been informed that the	
21	Α.	Yeah. Yeah. Yes. Oh. Clerk. Yes, it is	21		town had been sued by Johnson Golf Management?	
22		correct, because December 2008, then March 2009	22	Α.	Yes.	
23		I would have been clerk, yes.	23	Q.	Is there any reason that that wasn't mentioned	
24	Q.	At sometime in December of in early December	24		in the minutes of the board of selectmen	
		30			32	
1		30 of 2008, were you made aware that a decision had	1		32 regarding this liquor license renewal?	
1 2			1 2			
_		of 2008, were you made aware that a decision had		А.	regarding this liquor license renewal?	
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		33			35
1		MR. KESTEN: Oh, my God. It's beating a	1		MR. KESTEN: Had he nominated him or had
2		dead horse. The Town Manager Act conflicts with	2		the board of selectmen ever appointed him?
3		the bylaws. Okay. Stipulated. Leave the man	3	_	MR. FOLLANSBEE: I'll ask two questions.
4	_	alone.	4	Q.	Had you ever nominated Mr. Sheehan for any
5	Q.	Did the board of selectmen consider referring	5	_	position?
6		this matter to the insurance company for the	6	Α.	I don't recall.
7		town in 2008?	7	Q.	Did the board of selectmen appoint him to any
8	Α.	No.	8		positions in town?
9	Q.	And why is that?	9	Α.	I don't believe so at that time.
10	Α.	It was being handled by town counsel and by town	10	Q.	Were you aware that Mr. Sheehan had served on
11		manager and no reason to consider that at that	11		the North Hill Advisory Committee?
12		time.	12	Α.	···· ·
13	Q.	Did town counsel or the town manager discuss	13	Q.	Did you know Mr. John Geary?
14		with you	14	Α.	No.
15	Α.	Can I clarify. I think it was not the reason	15	Q.	Did Mr. MacDonald ever explain to you why he had
16		probably was that it was not a claim kind of	16		rejected the bids the first time?
17		thing at that time as opposed to a procedural	17	Α.	I don't recall. No. I don't recall.
18		thing, so I think that's why I would not have	18	Q.	Did Attorney Troy ever tell you why the bids had
19		considered it.	19		been rejected the first time?
20		MR. FOLLANSBEE: I'd ask this be marked	20	Α.	I can't remember any specific discussions.
21		as the next exhibit.	21	Q.	From your background
22		(Exhibit No. 7 ID marked.)	22		(Interruption.)
23	Q.	On the second page of Exhibit Number 7 under the	23	Q.	From your business background, had you ever been
24		date of January 12, 2009, Attorney Troy	24		involved in any public construction matters?
		34			36
1		indicates that he's reviewing and analyzing	1	Α.	Yes.
1 2			1 2	A. Q.	
		indicates that he's reviewing and analyzing	-	_	Yes.
2 3 4	Α.	indicates that he's reviewing and analyzing correspondence from you. Do you have any memory	2	Q. A.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes.
2 3	A. Q.	indicates that he's reviewing and analyzing correspondence from you. Do you have any memory as to what that correspondence was about? No. Did you ever have you formulated any position	2 3 4 5	Q.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes. And were you familiar at all with Chapter 30B of
2 3 4 5 6		indicates that he's reviewing and analyzing correspondence from you. Do you have any memory as to what that correspondence was about? No. Did you ever have you formulated any position yourself regarding the RFP process that was	2 3 4 5 6	Q. A.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes. And were you familiar at all with Chapter 30B of the Massachusetts General Laws, the Uniform
2 3 4 5 6 7		indicates that he's reviewing and analyzing correspondence from you. Do you have any memory as to what that correspondence was about? No. Did you ever have you formulated any position yourself regarding the RFP process that was going out to a new bid in January of 2009?	2 3 4 5 6 7	Q. A. Q.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes. And were you familiar at all with Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act?
2 3 4 5 6 7 8	Q.	indicates that he's reviewing and analyzing correspondence from you. Do you have any memory as to what that correspondence was about? No. Did you ever have you formulated any position yourself regarding the RFP process that was going out to a new bid in January of 2009? MS. COOK: Objection.	2 3 4 5 6 7 8	Q. A. Q. A.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes. And were you familiar at all with Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act? Yes. To some extent.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q.	indicates that he's reviewing and analyzing correspondence from you. Do you have any memory as to what that correspondence was about? No. Did you ever have you formulated any position yourself regarding the RFP process that was going out to a new bid in January of 2009? MS. COOK: Objection. No. In 2008 did you know any of the other bidders? And I'll list them. Did you know Mr. Gunnarson? No. Did you know Mr. Lanzetta? No. Did you know Emmett Sheehan? Yes. Did you know Mr. Daley and Stiles? No. Did you know Mr. Johnson? Kno. Did you know Mr. Johnson? Kno. From around town.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A. Q. A. Q.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes. And were you familiar at all with Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act? Yes. To some extent. And was it at all puzzling to you that what seemed like a simple RFP for the North Hill Golf Course had resulted in the rejection of all bids? MS. COOK: Objection. No. It's not uncommon in public bidding that things like that happen. But nobody did you ever ask anybody why did we reject all the bids? I don't recall. Did anybody talk to you about the fact that one of the bidders, specifically CALM Golf, had submitted a bid in October that included a percentage of gross revenues?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q. A. Q. A. Q.	indicates that he's reviewing and analyzing correspondence from you. Do you have any memory as to what that correspondence was about? No. Did you ever have you formulated any position yourself regarding the RFP process that was going out to a new bid in January of 2009? MS. COOK: Objection. No. In 2008 did you know any of the other bidders? And I'll list them. Did you know Mr. Gunnarson? No. Did you know Mr. Lanzetta? No. Did you know Emmett Sheehan? Yes. Did you know Mr. Daley and Stiles? No. Did you know Mr. Johnson? I knew of him. Didn't know him personally. What did how did you know Mr. Sheehan?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q. A.	Yes. And were you somewhat familiar with the public construction bidding laws? Yes. And were you familiar at all with Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act? Yes. To some extent. And was it at all puzzling to you that what seemed like a simple RFP for the North Hill Golf Course had resulted in the rejection of all bids? MS. COCK: Objection. No. It's not uncommon in public bidding that fings like that happen. But nobody did you ever ask anybody why did we reject all the bids? I don't recall. Did anybody talk to you about the fact that one of the bidders, specifically CALM Golf, had submitted a bid in October that included a

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1			1	0	
2		they had consulted the Attorney General's office and the Attorney General's office had advised	1	ч.	Having had an opportunity to look at Exhibit
3		them to reject the bids?	3		Number 9 which is a settlement proposal dated January 16, 2009, does that refresh your memory
4	Α.	No.	4		as to whether or not you've ever seen such a
5	Q.	Did you ever review, yourself, any of the	5		proposal?
6	ω.	various proposals from any of the entities that	6	Α.	
7		had bid on the North Hill Golf Course?	7	Q.	
8	Α.	No.	8	ч.	proposal of CALM Golf had material
9	Q.	Did anybody discuss with you any changes that	9		misrepresentations, what would your course of
10	<u> </u>	were being made in the RFP between the time that	10		action have been?
11		the bids came in in October of 2008 and January	11		MS. COOK: Objection.
12		of 2009?	12	Α.	To discuss it with the town manager and the town
13	Α.	No. I don't recall any discussions or reviews.	13		counsel.
14	Q.	Were you ever provided with a copy of the award	14	Q.	And would it be a concern to you as a member of
15		letter that Mr. MacDonald signed awarding a	15		the board of selectmen that the town manager had
16		contract to CALM Golf?	16		awarded a contract based upon representations
17	Α.	I don't recall. We may have. I don't recall.	17		from CALM Golf that were not true?
18	Q.	We'll show it to you and see if you recall it.	18		MS. COOK: Objection.
19		MR. FOLLANSBEE: We'll have that marked	19	Α.	Yes.
20		as the next exhibit.	20	Q.	And the fact that at least the representation in
21		(Exhibit No. 8 ID marked.)	21		this letter being that CALM Golf had no assets,
22	Q.	Having taken a chance to look at Exhibit Number	22		would that be of concern to you?
23		8, the letter dated January 15, 2009 awarding a	23	Α.	Yes.
24		contract, do you recall ever seeing this before?	24	Q.	And at any time, and I know it was a short
		38			40
1	Α.	I don't recall it, but.	1		period that you were on the board after this,
1	A. Q.	I don't recall it, but. Was it discussed with the board of selectmen?	1		but at any time from January of 2009 up until
	_	-			
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		41			43
1		selectmen and town counsel?	1		decision?
2		MS. COOK: Objection.	2	Δ	I do not recall seeing this, but.
3	Α.	I don't recall it being discussed.	3	Q.	
4		MR. FOLLANSBEE: Just, is that just an	4	ц.	MacDonald what had happened in court that an
5		objection or is that a privilege issue?	5		injunction was issued?
6		MS. COOK: Well, I was objecting while I	6		MS. COOK: I'm going to instruct you not
7		thought about whether it was a privilege issue.	7		to answer on the basis of privilege.
8		MR. FOLLANSBEE: Did he answer?	8		MR. FOLLANSBEE: I understand that. I'll
9		MR. KESTEN: I think he answered already.	9		just limit the question to Mr. MacDonald.
10		MS. COOK: Can I have the question read	10	Q.	Did you ever ask Mr. MacDonald what had happened
11		back.	11		in court that this injunction was issued?
12		(The question and answer were read back.)	12	Α.	I can't recall.
13		MS. COOK: Yeah. I think	13	Q.	In December of 2009, did Mr. MacDonald discuss
14		MR. FOLLANSBEE: Well, whether it was	14		with you the fact that all the documents
15		discussed is a yes or no.	15		pertaining to the North Hill RFP process had
16		MS. COOK: Yeah. That's fine. If the	16		been removed from town hall?
17		answer is yes, then it would be a different	17		MR. KESTEN: You mean 2008.
18		story. Right.	18		MR. FOLLANSBEE: 2008. I'm sorry.
19		MR. KESTEN: The answer's no.	19	Α.	No.
20		MS. COOK: Right. We can move on.	20	Q.	Were you ever made aware that public documents
21		MR. FOLLANSBEE: Yeah. If there was	21		involving this bid process had been removed from
22		MS. COOK: No communication, there's	22		town hall and were being held in Attorney Troy's
23		nothing privileged.	23		office down at the Cape?
24		MR. FOLLANSBEE: No communication, no	24	Α.	No.
		42			44
1		privilage	1	Q.	Up until I just asked you about that, did you
		privilege.	•	ч.	op until I just asked you about that, did you
2		MS. COOK: Correct.	2	ч.	know that had happened?
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				47
	-	45	1	47 ERRATA SHEET
1	Α.	No.		Instructions: You are entitled to read and
2		MR. KESTEN: Choir practices.	2	correct your deposition. Please carefully read
3		Discussions are everywhere.		your testimony, making any necessary changes or
4		(Discussion off the record.)	3	corrections by identifying the page and line
5	Q.	Was it a concern of yours that members of the		number, the change desired and the reason. Do
6		North Hill Advisory Committee in drafting the	4	not mark the actual transcript. Then date and
7		RFP were seeking to gain privileges otherwise		sign the bottom of this page.
8		not available to the general public?	5	
_			<u> </u>	
9		MS. COOK: Objection.	6 7	PAGE LINE REASON FOR CORRECTION
10	Α.	I was not aware of any particular requests.	8	
11	Q.	I'm specifically you weren't aware that they	9	
12		had put a clause in the contract requiring 18	10	
13		hole tee times for members?	11	
14		MS. COOK: Objection.	12	
15	Α.	No. I was not aware.	13	
16		MR. FOLLANSBEE: Okay. If I could take a	14	
17		five-minute break. We might be getting close.	15	
18			16	
			17	
19		(Recess taken.)	18 19	
20			20	
21		MR. FOLLANSBEE: I have nothing further.	21	
22			22	
23		(The deposition concluded at 11:34 a.m.)	23	
24			24	DATE: SIGNATURE:
		46		
1		<u>CERTIFICATE</u>		48
1		<u>CERTIFICATE</u> Commonwealth of Massachusetts		
2				1
		Commonwealth of Massachusetts Essex, ss.		1 2
2 3 4		Commonwealth of Massachusetts Essex, ss. I, Jessica F. Story, Certified Shorthand		1
2 3 4 5		Commonwealth of Massachusetts Essex, ss. I, Jessica F. Story, Certified Shorthand Reporter, Registered Professional Reporter and		1 2 3 <u>CERTIFICATE</u>
2 3 4 5 6		Commonwealth of Massachusetts Essex, ss. I, Jessica F. Story, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public in and for the Commonwealth of		1 2 3 <u>CERTIFICATE</u> 4
2 3 4 5 6 7		Commonwealth of Massachusetts Essex, ss. I, Jessica F. Story, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify: that ANDRE		1 2 3 <u>CERTIFICATE</u> 4 5 I, ANDRE MARTECCHINI, do hereby certify
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