

1 unfounded complaints and just basically wanted to  
2 complain about us and the town not standing up to us  
3 even though we have a contract.

4 Q. At that point, what was your relationship  
5 with Gordon Cushing and MacDonald?

6 A. It was -- well, MacDonald I don't think  
7 became the -- he was the building inspector, but I  
8 don't know if he became -- I don't know if he was town  
9 manager in early '04. I don't know if Rocco left in  
10 '04 or '05, somewhere in there.

11 Gordon relationship was fine. I remember  
12 saying to Gordon, what's the deal with this, Gordon,  
13 why are they -- why are they so upset. We're not  
14 telling them they can't play 18 holes. We're telling  
15 them that we're going to open it up the way it should  
16 be and if other people want a tee time, they're going  
17 to get it and we'll fit them in somehow, but it's not  
18 good enough for them.

19 Gordon -- Gordon was fine. I mean, he'd  
20 say, first of all, you know, take it from the source,  
21 but he did tell me -- he told me that both Betsy  
22 Sullivan and Andre Martignetti or whatever his name is  
23 listened to those guys, so...

24 Q. When did he tell you that?

1           A.    He told me that in '04. He told me that in  
2           early '04 after the newspaper because there was a --  
3           there was a hearing. I believe it was a special  
4           selectmen's meeting or maybe just a regular one where  
5           they invited -- I didn't go because I was away -- but  
6           Kelly, my daughter, went with Joe Eckstrom and they  
7           sat up on the stage with Gordon.

8                    I'm not sure if Troy was there. I want to  
9           say no, but, maybe, he was, but Gordon was up there  
10          and maybe Bill Dixon, the chairman at the time, or  
11          maybe it was someone else.

12                   But I remember saying to the Gordon, I had a  
13          phone conversation with him, I said, "What is the  
14          problem," and I said, "This is crazy."

15                   And he told me -- he goes the one thing I  
16          will tell you, though, is that Sullivan and  
17          Martignetti or Martecchini, whatever his name, they  
18          listen to those guys, so that -- that was what I got  
19          from him.

20          Q.    Now, this meeting that you're talking about,  
21          you said people were sitting up on the podium. Who  
22          was on the podium?

23                   A.    I think they were on the stage, but -- or,  
24          probably, I guess at the town hall there where, you

1 know, it's like a little stage.

2 Q. The mural room?

3 A. Yeah. Kelly Johnson, at the time Johnson,  
4 Joe Eckstrom, Gordon. I'm not sure whether Troy was  
5 there or anybody else. I think the chair -- whoever  
6 was chairman of the North Hill Advisory Committee I  
7 think was there too.

8 Q. And the selectman?

9 A. I'm not even sure about that.

10 Q. Were some of them known to you as select  
11 people then?

12 A. I don't believe -- yes, they were. They  
13 were the select -- there were two of three selectmen  
14 at the time.

15 Q. And it was at this time that you say Gordon  
16 Cushing told you that?

17 A. It was shortly -- it was probably before the  
18 meeting because I wanted to know what the big deal was  
19 why Joe and Kelly had to go to this hearing, what's  
20 going on, I mean, what -- what -- this is a simple  
21 thing.

22 We made a decision, you know. I mean,  
23 what's the big deal. We're entitled to do it. So,  
24 you know, that's -- it just didn't make a lot of sense

1 to me at the time.

2 Q. And that's when Gordon Cushing told you that  
3 those two selectmen listen to these people?

4 A. Correct.

5 Q. So what happens after this meeting? Oh, by  
6 the way, what was Joe Eckstrom's job then?

7 A. Joe is my director of operations who  
8 oversees the grounds at each of our facilities and  
9 plus he interacted with Gordon much more than I did,  
10 so, you know, he was there. Plus, like I said, I was  
11 away so they were both representing me.

12 Q. Who else -- was anybody else present when  
13 Gordon told you this?

14 A. No, because it was a phone conversation.

15 Q. Did you tell anyone else at around that time  
16 that he had said that?

17 A. Yes.

18 Q. Who'd you tell?

19 A. I'm sure I told -- I'm certain I told Kelly  
20 and Joe.

21 Q. So what happens after the meeting?

22 A. I think at the meeting it was left that town  
23 council would make a ruling or decision, and Troy  
24 ended up saying that I had the right to do that so

1       they -- they --

2           Q.     So Bob Troy -- was it in writing?

3           A.     I think so, yes. I think there is something  
4     in writing somewhere.

5           Q.     And then what happens?

6           A.     So they -- they were not happy with Troy.

7           Q.     How do you know?

8           A.     Well, I know they didn't like -- I know they  
9     didn't like his decision.

10          Q.     How do you know?

11          A.     They expressed it over and over again for  
12     the next four years.

13          Q.     Where?

14          A.     North Hill to my staff, a number of people  
15     made statements to my staff that you'll never --  
16     Johnson will never be back here. He'll never get  
17     another contract in town.

18          Q.     I need names. Any names of people who said  
19     it or of the people who heard it?

20          A.     Bill Curley. I'll give you the names of the  
21     people that I can.

22          Q.     Father or son?

23          A.     Bill the basketball player.

24          Q.     Who did he say it to?

1 A. He said that to David Marcinkoski.

2 Q. Spell that?

3 A. M-A-R-C-I-N-K-O-S-K-I.

4 Q. Who is he?

5 A. He at the time -- he's a lifelong friend of  
6 mine who was working and helping us out at North Hill  
7 as a starter, ranger.

8 Q. Where is he now?

9 A. He's in Florida.

10 Q. Where?

11 A. Saint Augustine.

12 Q. That's on the way here.

13 A. No, no. He'll come up believe me. It was  
14 sort of a -- the way the story went was a pretty  
15 interesting thing where Mr. Curley just thinks that  
16 the world revolves around him, but...

17 Q. He was pretty good.

18 A. Okay. But, you know, why not -- there was  
19 no reason for him to do the things he do.

20 Q. What'd he did?

21 A. He used to sneak on the golf course without  
22 paying green fees. He got caught three times I swear.

23 MR. KREIGER: He's six one. It's  
24 not easy to sneak anywhere.

1 THE DEPONENT: I know, but the  
2 thing is he'd get mad when he got caught and was asked  
3 to pay and that's when he -- he told this particular  
4 gentleman that let me be the first to tell you Johnson  
5 will not be back with a new contract.

6 Q. When was that?

7 A. I would say it was probably the summer of  
8 '08. He was one of the later -- he had cousins.  
9 There was another guy named Bill Curley also who was a  
10 member at North Hill Country Club that was his cousin,  
11 but he knew the crowd.

12 Bill Curley himself, the basketball player,  
13 didn't -- he wasn't a member at North Hill, but his  
14 son took lessons from our golf pro there. So he would  
15 have occasion to come by, and that's when he basically  
16 would get caught late in the day.

17 His son -- he actually had his son join. He  
18 was a junior member and he decided to go and play with  
19 his little boy, but he decided that didn't need to  
20 pay.

21 Q. He was wrong.

22 A. Well, I would think so, but...

23 Q. So this is in '08?

24 A. That was in '08.

1 Q. That Curley told David Marcinkoski?

2 A. Marcinkoski, yeah.

3 Q. Had you heard that from any source before  
4 that?

5 A. Yeah, numerous times. We had -- I guess in  
6 '06 see -- I think Amy worked there in '06 -- Amy  
7 Reuter became manager after Kelly -- R-E-U-T-E-R. I'm  
8 going to say she managed the last couple years,  
9 probably, '06, '07, something like that.

10 Q. Where's she now?

11 A. She is in Washington, D.C.

12 Q. What's she doing?

13 A. Kelly would know. Kelly keeps in contact  
14 with her.

15 Q. Okay.

16 A. She heard -- she heard it -- I'm trying to  
17 remember -- she heard it plenty. One name in  
18 particular I can remember is Mike Sales and pretty  
19 much heard it on a -- on a daily basis from different  
20 people that sort of was -- Amy, a very competent young  
21 woman, graduated from the University of New Hampshire,  
22 worked under Kelly for a while then became the  
23 manager.

24 And they burnt her out after three years.



1 She wanted out. She couldn't -- she didn't want to  
2 deal with it listening to people with this stuff,  
3 so...

4 Q. And she told you that she had heard from  
5 various people that you weren't going to get the  
6 contract?

7 A. Correct.

8 Q. Did she give you any names?

9 A. Mike Sales, one I can remember were Mike  
10 Sales, but there were others. I just can't -- I can't  
11 remember them.

12 Q. Anybody else? Any other names that you can  
13 associate with you hearing that you're not going to  
14 get the contract?

15 A. No, not that I can -- not that I recall  
16 right now.

17 Q. Okay. Did you hear it personally from  
18 anyone?

19 A. No. I don't think I heard it personally. I  
20 was not there that much so I don't think I would have  
21 heard it personally. I think -- no, I'd say, no.

22 Q. Was there anybody else in your staff that  
23 may have heard it besides Kelly and David?

24 A. Kelly, David, Amy, and probably Joe's

1 daughter, Brittany, who at the time was 18 years old.  
2 I do recall Joe saying something that she heard.

3 Here's a high school girl behind the cash  
4 register, and people coming and going, yeah, by the  
5 way you're not going to be here next year or two years  
6 or whatever it was, and totally, you know -- that's --  
7 that's uncalled for.

8 Q. Where is she now?

9 A. She is a senior I think at BU.

10 Q. Not as much fun as Rio. So you had this one  
11 conversation with Gordon where you recall that he told  
12 you that Betsy Sullivan and Andre Martecchini listened  
13 to these people?

14 A. Correct.

15 Q. Any other conversations with Gordon or  
16 anyone else affiliated with the town about your  
17 concern that you weren't going to get the contract  
18 prior to the RFP coming out?

19 A. I think there was a number of things that  
20 came up. I know I e-mailed him a lot pretty much  
21 we -- I knew what they were going to try to pull.

22 Q. How'd you know?

23 A. From all this stuff, I knew they were going  
24 to try to pull something and I believe I had e-mails

1 to Cushing that said, look -- I, actually, even  
2 remember sending Doolin who was the chairman at the  
3 time the Web site to the inspector general's office  
4 saying, you need to go by this specifications.

5 I told Cushing that also by e-mail and I  
6 said -- and I -- I'm fairly certain I said to him, I  
7 hope you're not going to try -- and, maybe, not in  
8 these exact words -- but I hope you're not going to  
9 pull something because if you do, we'll be in a  
10 lawsuit.

11 I wanted them to understand that if they  
12 tried to cheat me, that I was going to come after  
13 them.

14 Q. And did you get any response to that from  
15 Gordon or --

16 A. He'll pass it on to Richard MacDonald.

17 Q. There's an e-mail written that -- an e-mail  
18 that I've seen -- forget that.

19 But did you ever tell Gordon Cushing that if  
20 he opened this process up to people who weren't  
21 running golf courses, you would sue him or words to  
22 that affect?

23 A. Something like that. I'm sure I said  
24 that -- like I said, I think I knew -- we knew what

1 they were going to try to pull. We knew that they --  
2 despite doing an outstanding job there for the years  
3 we were there, that wasn't the goal.

4 The goal was to get us out of there at all  
5 costs. There's not a doubt in my mind. It didn't  
6 matter the job we did.

7 Q. What was that belief based on other than  
8 what you've told me? You said these people said --  
9 people were saying this. What else was that belief  
10 based on?

11 A. The letter not only to the newspaper but  
12 then the letter that Michael Doolin sent to the  
13 selectmen. He sent basically the same complaint  
14 letter to the selectmen in early '04.

15 And the next thing you know this guy was  
16 appointed as chairman of the North Hill Advisory  
17 Committee, which totally -- I said, what the heck is  
18 going on here, you know.

19 So I didn't think that would be the -- it'd  
20 be one thing if the selectmen called me in and wanted  
21 my side or whatever they wanted to do to get two sides  
22 of a coin and make a decision, it never happened.

23 I mean, and I -- I think -- I'm certain that  
24 if -- I don't know if the town manager at that time

1 Longo was gone or not, but I could not see -- excuse  
2 me -- I don't think he was there because I don't think  
3 it would have happened if he was there.

4 I don't think the guy would have allowed  
5 this to happen. I think that he was too much of a  
6 straight guy to let this stuff go on.

7 Q. So I know that Doolin and some others,  
8 right, wrote this letter to --

9 A. Right.

10 Q. -- the selectmen?

11 A. Right.

12 Q. Did anything happen as a result of that or  
13 after that?

14 A. After what, you mean as a result of the  
15 letter, yes.

16 Q. Yeah.

17 A. Yes. Marlborough was already -- Mike  
18 Marlborough was already on the committee at the time,  
19 but then Doolin -- they appointed Doolin to the  
20 committee, and then shortly after that they appointed  
21 another guy named Floreano to the committee.

22 It just so happens that all three of them  
23 work for the same people, Freeman Company in  
24 Braintree, which if I recall correctly, at their

1 depositions they were all somewhat shy or hesitant  
2 about saying where they worked.

3 And I don't -- I think only one of them said  
4 they worked for the Freeman Company. I think one  
5 said, well, I work in hospitality. They didn't  
6 want -- it's almost like they didn't want the  
7 connection to come out at their own depositions was my own  
8 personal feeling.

9 Q. Was that the first time you found out about  
10 that?

11 A. Yes. I never had a clue.

12 Q. So did you ever attend the meetings at North  
13 Hill Advisory Committee?

14 A. Some, very few, Joe would usually go.

15 Q. Was there problems at these meetings running  
16 up to the RFP issuance?

17 A. I don't think they were problems. Joe would  
18 say the -- the part that became totally, again,  
19 evident that they were doing something was, Joe would  
20 go to the meeting, meeting after meeting -- this is  
21 from '07 on -- and they would say, okay, Joe, you can  
22 leave now, and they would go in executive session  
23 right in front of Joe and say, we need to go over the  
24 RFP for the upcoming proposal.

1           And that became pretty alarming considering  
2           the fact that Troy told everybody that no one in town  
3           had anything -- we -- we knew from the beginning the  
4           first time we went to court and lied in court that he  
5           was lying. We knew there was no consultant. We knew  
6           who was doing the RFP, it's, like, the most arrogant  
7           stupid thing I've ever seen in my life.

8           Q.    The most, really? Come on.

9           A.    It's, like -- I still remember with you --  
10          I'd rather go off the record. I'd like to tell him --  
11          remind him of that day remember when --

12                   MR. FOLLANSBEE: Go ahead. Off the  
13          record.

14                   THE DEPONENT: We're off the  
15          record; right?

16                   MR. KESTEN: Sure.

17                   (Discussion off the record).

18          Q.    (BY MR. KESTEN) But at the time -- I know --  
19          I'm trying to keep you focused.

20          A.    Sure.

21          Q.    I'm trying to keep you focused on what you  
22          knew then versus what you know now.

23          A.    Okay.

24          Q.    But back then --

1 A. Yeah.

2 Q. -- you haven't at least told me so far about  
3 any problems that Joe reported with them other than  
4 they said that he couldn't be there when they worked  
5 on the RFP which was understandable; right? That  
6 wasn't a problem, was it?

7 A. Yeah, no, and I don't think anybody --  
8 I mean, I do recall even in court Troy telling the  
9 court that Johnson does an outstanding job. We get  
10 great reviews from him.

11 So there was -- I don't think there was ever  
12 a question of our work. I never heard anything about  
13 that anyway.

14 Q. You become aware before the RFP came out  
15 that they were -- that the town was looking to manage,  
16 for example, the tee time issue?

17 A. No. They didn't -- they didn't consult with  
18 me on anything. That was just their own thing. I do  
19 remember that sometime in probably early '08 I gave  
20 Cushing a list of things that would be helpful to the  
21 town to maximize their revenue on the next RFP.

22 Q. Like what? Did you give it in an e-mail?

23 A. I think -- no, I think in writing. I  
24 remember -- I probably have a list somewhere too still



1 about it and I believe it was in '08 because I know  
2 Joe and I met with him.

3 Q. Met with who?

4 A. Gordon.

5 Q. To -- for what purpose?

6 A. Just to discuss some of the stuff. I wanted  
7 to go over -- again, I think it was, you know, trying  
8 to -- I don't think they could have -- trying to work  
9 with them.

10 Q. And what types of things would you remember?

11 A. Well, one of them would certainly be not to  
12 have fivesomes allowed on the golf course.

13 They had -- they had done RFPs there for at  
14 least 23 years prior to this '08 one and nowhere did  
15 it ever say that members could book 18-hole tee times,  
16 so they changed that for a purpose, and --

17 Q. Let's go back.

18 A. Okay.

19 Q. Let's stay focused on what you knew then.

20 A. Okay.

21 Q. Before it came out.

22 A. Before it came out, okay.

23 Q. You say you met -- you and Joe met -- you  
24 and Joe?

1 A. Yeah.

2 Q. Met with Gordon?

3 A. Yeah.

4 Q. And made some suggestion to maximize  
5 revenue?

6 A. Right. I believe some of it was capital  
7 improvement that they need to invest some money back  
8 into the golf course.

9 The last few years they were getting  
10 \$110,000 and they weren't investing -- they were  
11 putting peanuts back into it. They had a budget,  
12 like, of \$2,000 and it's like owning a house, if  
13 you're not going to upkeep your house, you know,  
14 you're going to be in trouble down the road  
15 somewhere.

16 So I know -- I had been telling them you  
17 should do a master plan of projects, keep up with  
18 them, and things like that which in my mind would  
19 improve the facility and then in turn would attract  
20 more people.

21 Q. Anything else unusual that you recall  
22 happening before the RFP came out in October? It came  
23 out in October; right?

24 A. It came out I think in September. I know it

1 was due October, like, 24th so it probably came out in  
2 September. No, I don't think I can remember anything  
3 else unusual.

4 Q. How did you get the RFP?

5 A. Probably myself or Joe or Jason or Kelly  
6 picked it up at the town hall.

7 Q. And you read it?

8 A. Correct.

9 Q. And what did you notice? What leapt out at  
10 you?

11 A. Comparable business enterprise.

12 Q. So what'd you do?

13 A. We put a -- well, we attended the prebid.

14 Q. When was that?

15 A. It would have been sometime after the  
16 proposal -- the RFP came out and before the bid was  
17 due, so I'm going to guess, maybe, first week in  
18 October.

19 Q. Where was it held?

20 A. At North Hill.

21 Q. And who was there for the town?

22 A. Gordon.

23 Q. Just Gordon?

24 A. Yeah. I'm pretty sure it was just Gordon.

1 Q. And who was there asking questions?

2 A. Questions had to be in writing I'm pretty  
3 sure, but there were some questions anyway. I don't  
4 think we asked any at the thing. We put ours in  
5 writing.

6 Q. So you had submitted them before the prebid?

7 A. No, after the prebid.

8 Q. RFP went out I think September 26th?

9 A. September 26th.

10 Q. Is when it went out.

11 A. Okay. And then the prebid was probably  
12 October 8th, somewhere in there or whatever.

13 Q. So you went to the prebid conference and you  
14 submitted the written questions?

15 A. No. We probably took notes at that and then  
16 we submitted them later.

17 Q. So what happened at the prebid?

18 A. There were some groups there that I think  
19 were asking. I looked around the room to see who was  
20 there, seeing the golf business is rather small of who  
21 the players are, and I noticed that we were the only  
22 legitimate golf company there.

23 Q. Who else was there?

24 A. Steve Daley who bid, I believe -- I think

1 Gunnarson was there, Bob Gunnarson not the brothers.  
2 Bob was, like, one of the other brothers of Rusty and  
3 Dick who ran North Hill, and, maybe, a couple of the  
4 other bidders or one of them who I didn't even --  
5 Emmett Sheehan was there.

6 Q. Do you know him?

7 A. I knew Emmett -- yeah, I knew Emmett because  
8 Emmett was on the North Hill Advisory Committee, and  
9 that's probably about it.

10 Q. Was Lanzetta there?

11 A. I don't think he was. I don't remember  
12 seeing him there. He could have been but I'm not  
13 sure.

14 Q. At this prebid, did you know who had bid?  
15 I'm sorry. It's the prebid.

16 A. Prebid, yeah, yeah.

17 Q. And what happened at this meeting? What did  
18 Gordon say?

19 A. Well, people get to look around so they can  
20 look around the whole building, look at, you know, the  
21 pro shop, kitchen, all this, go around the golf course  
22 in a cart. We supply the carts for people to go  
23 around.

24 And he might have taken questions, but I'm

1 fairly certain that he said they had to be in writing  
2 so make your questions. You had till such and such a  
3 date to put in writing your questions and then they'll  
4 answer your questions.

5 Q. How long was this prebid conference?

6 A. Forty-five minutes.

7 Q. And then you submitted your written  
8 questions?

9 A. Correct.

10 Q. And what happened?

11 A. My recollection is I don't think very many  
12 of our questions were answered. I think either none  
13 of them or very few were which was rather frustrating.

14 Q. How did you get the answers?

15 A. Never got them.

16 Q. So how did you get -- I mean, you got  
17 answers, you got documents?

18 A. Oh, a document was sent to us maybe  
19 e-mailed.

20 Q. And this was before the bid -- before the  
21 bid?

22 A. Correct.

23 Q. And did you do anything to try to get  
24 further answers?

1 A. Yes.

2 Q. What'd you do?

3 A. I called Gordon up.

4 Q. Tell me what you remember.

5 A. I asked him what comparable business  
6 enterprise means, that was one of my big ones.

7 Q. And what'd he say?

8 A. He said something like it speaks for itself.

9 Q. That's what Gordon told you or was that  
10 what's on the written answers?

11 A. I think it was both. I don't think Gordon  
12 really -- he seemed to be very uncomfortable. I asked  
13 him about why they would allow fivesomes to play  
14 golf.

15 That was also a stickler with the North Hill  
16 Men's Advisory Committee. In the first contract that  
17 I got, Rocco Longo specifically made it clear to me no  
18 fivesomes play golf on that golf course so we would  
19 enforce that. Those guys hated it, absolutely hated  
20 it.

21 But now all of a sudden it was in this  
22 contract, so I asked him why that also. Then I asked  
23 him why the 18-hole tee times. I said, "Do you  
24 realize that by doing that you're lowing the income --

1 generating income which in effect affects the town so  
2 what you're really trying to do is have the town  
3 subsidize this group of golfers."

4 So he -- Gordon was uncomfortable and I  
5 don't believe he ever -- I know during that period of  
6 time he loved to say to me or he probably looked at me  
7 as a pain in the you know what, I'll pass it along to  
8 Richard, that was his standard answer to me.

9 Q. So then you bid?

10 A. Correct.

11 Q. How did you decide what amount to bid?

12 A. How do I decide to bid?

13 Q. What amount to bid?

14 A. By my expertise of the golf business  
15 particularly in this case operating North Hill for as  
16 long as we had looking at everything and that's pretty  
17 much my expertise so -- so that's the way I judge my  
18 bid.

19 Q. How much of a profit were you expecting  
20 to -- had you made before that year?

21 A. I'm going to say we made a minimum profit,  
22 probably, for a few years at least three years and  
23 maybe more before that of probably about 150,000 a  
24 year.



1 Q. How did you calculate that?

2 A. Well, from the income generated by expenses  
3 spent. And on this particular RFP I did know that the  
4 first year of the new RFP the green fee rates were  
5 going up three dollars per nine holes.

6 So based on even -- I think the rounds were  
7 in the 20s, but based on 20,000 rounds of golf income  
8 would increase 60,000.

9 Then on membership fees they were going up a  
10 pretty good percentage too as my recollection. I  
11 think I had it calculated that the money would  
12 increase a minimum of probably 90 to a hundred  
13 thousand between both because in the years of running  
14 it under the old contract -- under the injunction we  
15 were stuck with the old contract, nothing went up.

16 So automatically -- and as a matter of fact  
17 I know the day we left there because we were still  
18 moving things out this group that got in there the day  
19 we left they were charging three dollars more per nine  
20 holes, so it automatically jumped up.

21 Q. So you made the bid?

22 A. Right.

23 Q. And when did you first find out who else had  
24 bid?

1           A.    It was a while because I know I asked  
2           Gordon, and he wouldn't tell me. And I -- I'm sure I  
3           checked with my attorney on what the law says once  
4           bids go in who bid, but it was sometime after that.

5           Cushing did release to us I'm pretty sure  
6           the bidders so I found that out sometime between  
7           October 24th and that letter in December that said  
8           they were throwing the bids out.

9           Q.    What did you make of the other bidders?

10          A.    Not qualified every one of them.

11          Q.    Now, you knew Daley?

12          A.    Correct.

13          Q.    How about the Gunnarsons, why weren't they  
14          qualified?

15          A.    He was -- Bob was bidding it as himself, and  
16          I believe they had -- I don't believe he had the  
17          experience as a company. I don't think he did the  
18          financials -- I think from -- really for the rest of  
19          them every one of them I don't believe met the  
20          financial criteria alone not to mention the experience  
21          of running a golf course.

22                And I -- he was a golf pro by trait. I know  
23          Bob was, but he wasn't one of the brothers that was  
24          running North Hill pre Johnson Golf so he wasn't

1 qualified. None of them were qualified except for us.

2 Q. How about Sheehan?

3 A. The guy's a tree landscaper. He had no  
4 qualifications whatsoever to run a golf course.

5 Q. What about Charlie?

6 A. Charlie had qualifications in a different  
7 company, C.P.&L that was in bankruptcy at the time,  
8 so, obviously, his little game was to -- I can't bid  
9 this because I'm in bankruptcy, so I need to fall back  
10 on my former company CALM Golf that had \$169 in  
11 assets.

12 Q. Well, you didn't know that at the time;  
13 right?

14 A. Oh, yeah, I did.

15 Q. How'd you know?

16 A. Well, because we had bid against him. He  
17 was the one in Abington. We -- I was very familiar  
18 with his little game.

19 Q. CALM Golf?

20 A. Yeah.

21 Q. Now, he had run -- what courses had he run?

22 A. Only Rockland, he actually met Rockland --  
23 he actually was the owner of Rockland for a long, long  
24 time, but he lost it.

1           That would have been another -- in my view  
2           would have been another concern to me of, wait a  
3           minute, this guy went under at this place and lost a  
4           golf course and let me be the first to have him run my  
5           place.

6           Q.    So do you recall that you told or at least  
7           notified Gordon Cushing about --

8           A.    Him being in bankruptcy, correct.

9           Q.    Now, did you give information about anybody  
10          else?

11          A.    No, 'cause I knew the rest of them had no --  
12          at least Charlie had -- he didn't meet the evaluation  
13          criteria, but at least he had golf experience.

14                The rest of them there was no need to. It  
15          was clear as a bell that they had never operated golf  
16          courses so they don't qualify by the town's own  
17          criteria.

18          Q.    Do you recall that it took some additional  
19          time or an unusual amount of time to get a decision  
20          the first time?

21          A.    Yes. And I also kept asking why so long  
22          when I'm the only qualified bidder.

23          Q.    And what did you hear?

24          A.    I'll pass it on the Richard. Richard's the

1 decision maker.

2 Q. How'd you find out that they had cancelled  
3 the whole bid process?

4 A. When I got the letter.

5 Q. How'd you get it?

6 A. I think mail. It might have been certified  
7 or it might not have been. I don't really recall, but  
8 I did get it by mail.

9 Q. What'd you think?

10 A. I was not surprised.

11 Q. Why?

12 A. Because I knew they weren't going to give us  
13 the contract.

14 Q. Did you talk up -- until the time you got  
15 the letter, did you have any other conversations with  
16 Gordon Cushing or anyone on behalf of the town about  
17 the process other than what you've told us, that you  
18 would ask him and he would tell you he'll pass it on?

19 A. I might have and Joe might have. I know Joe  
20 did, maybe, not me, but if I did, I'd probably say the  
21 same thing Joe said to him.

22 Q. And what did Joe tell you he was hearing?

23 A. Well, Joe I think made it clear to Gordon  
24 that you don't -- this isn't the first time this has

1 happened to us and if you don't think Doug's going to  
2 fight, you're totally wrong. So that was -- and I may  
3 have said that to Gordon too, but I know Joe did.

4 MR. KESTEN: You know it's one  
5 o'clock.

6 (Discussion off the record).

7 (Lunch break from 12:58 p.m. to  
8 1:47 p.m.).

9 Q. (BY MR. KESTEN) Prior to the award being  
10 cancelled in December, the process being cancelled  
11 starting over, have you now told me all the  
12 information you've had from any source that you were  
13 not likely to get it that you were not going to get  
14 it?

15 A. Could you repeat that? Let me just think  
16 about that.

17 Q. I want to make sure that you have now told  
18 me everything you remember of any information you got  
19 from any source that you were not likely or you were  
20 not going to be granted this contract. You've told us  
21 about some things other people have heard. Gordon  
22 Cushing telling you that Betsy and Andre listened to  
23 these people. Is there anything else that you heard  
24 from any other source, any other information you

1 received from any other source?

2 A. No, not -- I don't think so, you know, also  
3 including, of course, the letter to the newspaper, the  
4 letter to the selectmen. And I -- at that meeting  
5 with the selectmen I do believe Andre Martecchini was  
6 there at that meeting where Joe and Kelly were there.

7 Q. Is this the meeting back in '04 about the --

8 A. I think it was January '04.

9 Q. -- about the double tee times?

10 A. Yeah. And I -- my recollection too is that  
11 they were pretty much trashing me at that meeting, but  
12 Andre was there.

13 Q. Had you had any dealings with Bob Troy up  
14 until this point?

15 A. No.

16 MR. FOLLANSBEE: Which point are we  
17 talking about?

18 MR. KESTEN: In December of '08.

19 MR. FOLLANSBEE: All right.

20 MR. KESTEN: Before the suit was  
21 filed.

22 A. Oh, only to do with the pilot tax program  
23 there because on the old contract for that old  
24 clubhouse the payment used to be, like, \$3,000.

1           And then when we built the new clubhouse,  
2           they billed me for 10,000 -- that was probably one of  
3           the reasons also why I did what I did -- but they were  
4           billing me for 10,000. I'm certain I paid the first  
5           few years of that contract and then I said, no, this  
6           is wrong.

7           I was paying 3,000. I build you a clubhouse  
8           and then you charge me ten, so Troy -- I did meet with  
9           Troy. I think Steve was there. Steve and I and Troy  
10          and I guess it was when MacDonald first took over so  
11          it must have been '05 or '06, something like that, but  
12          they did then agree to lower the payments to -- I  
13          think it was 4,000.

14          Q.    Had you had any dealings with Richard  
15          MacDonald prior to December of '08 other than the  
16          meeting about the house?

17          A.    Only when we built the clubhouse, he was the  
18          building inspector so he would come around and  
19          inspect.

20          Q.    But as town manager there were no  
21          interactions that you recall?

22          A.    None at all.

23          Q.    Do you have any knowledge of any hostility  
24          or ill will from -- by Betsy Sullivan against you



1 other than Gordon Cushing telling you that she  
2 listened to the people of the North Hill Men's Club?

3 A. Only when she was deposed and described me  
4 as whatever she described me as where -- seeing I have  
5 never met this woman personally in my life. I  
6 appeared at two meetings in all the years at the board  
7 of selectmen.

8 Q. I'm not there yet.

9 A. Okay.

10 Q. I'm focusing on sort of chronologically.

11 A. Yeah.

12 Q. So as of December of '08 --

13 A. Yeah.

14 Q. -- you were not aware of anything --

15 A. No.

16 Q. -- other than what Gordon said?

17 A. No.

18 Q. Same thing about Martecchini?

19 A. Correct. No, I will say with Martecchini he  
20 was -- when he first became selectman -- and I'm going  
21 to say it was, like, in '98 -- the North Hill Advisory  
22 Committee at that time they were made up of -- I think  
23 I described the group of Chandler and Tom Rich, they  
24 wanted to get 18 holes of golf so they were excited

1 about getting 18 holes of golf, that was, like, their  
2 key thing.

3 So I had arranged to have a golf course  
4 architect come to a meeting, North Hill Advisory  
5 Committee meeting, and along with the director of the  
6 national golf foundation to give them the logistics of  
7 doing it, the land all that, Brian had walked the  
8 land.

9 They invited Martecchini and he totally just  
10 chopped their legs off. After he left that meeting,  
11 those guys were so disappointed because -- and I think  
12 he expressed it as he didn't recall going to any  
13 meeting, but he did -- but he vetoed the whole thing.  
14 He told the group now is not the time to build 18  
15 holes and that squashed that.

16 And I think after that time there were a  
17 series of people that got off that committee rather  
18 than stay on because it disappointed them so much.

19 Q. So you filed suit?

20 A. Correct.

21 Q. You went to the hearings?

22 A. Correct.

23 Q. Did you have any interactions -- well, the  
24 first hearing was December of '08?

1 A. Correct.

2 Q. Do you recall that?

3 A. (Deponent nodding).

4 Q. Was that when Troy said that a consultant  
5 had put in the language?

6 A. I think the first one was just -- I think we  
7 were arguing the first time that we were the only  
8 qualified bidder.

9 Q. That's right.

10 A. And -- but I -- and Troy told the judge  
11 how -- he went into detail of how they're going to go  
12 out for bid again.

13 They're going to -- they've got classes that  
14 these evaluators are going to take. The reason, Your  
15 Honor, we -- I remember saying, Your Honor, we  
16 rejected the bids was because one of the evaluators  
17 didn't fill out -- he might have said two -- didn't  
18 fill out their composite scoring and then we were  
19 advised by the IG's office to rebid.

20 So I only put myself in the judge's shoes,  
21 this guy says it. He's an officer of the court. He's  
22 not supposed to lie. He told the judge two huge key  
23 lies that if the judge knew the truth, this thing  
24 would have been over then.

1 Q. Did you know it at -- you didn't know that  
2 at the time, though? I'm focusing on what you knew at  
3 the time.

4 A. Well, we -- we knew -- we did know that --  
5 under 30B that you don't need to have a composite  
6 score, a total composite score, you have to do the  
7 categories correctly, but you didn't need a composite.  
8 As far as --

9 Q. How do you know that?

10 A. It's in the rules of Chapter 30B which over  
11 the years I've gotten to know most of it pretty well.  
12 And then did we know that he -- the IG -- he said the  
13 IG met -- which he never spoke to the IG at that time,  
14 maybe, because I, myself, called the IG's office right  
15 after that letter.

16 And then I talked to a guy named Craven, and  
17 then Steve talked to him after I did. The guy's --  
18 wouldn't -- he wouldn't move on anything. He just --  
19 I thought it was very strange the whole thing.

20 Q. You called the IG's office right after you  
21 got the letter canceling the bids?

22 A. Right.

23 Q. And you spoke to John Craven?

24 A. Yes.

1           Q.    What do you remember about that  
2 conversation?

3           A.    I told him what had happened.  And I said,  
4 "I believe that something is wrong here.  We were the  
5 only qualified bidder.  They took whatever number of  
6 weeks to make this decision."

7                   I told him that -- because it was also -- I  
8 remember the only thing that was fishy was there's  
9 price and nonprice proposals.  So when you open the  
10 nonprice proposal, that's how you know if someone's  
11 qualified.  If they're not qualified, you don't even  
12 open up their bid.

13                   So as -- and as I believe Cushing and  
14 MacDonald and/or maybe Troy testified they knew right  
15 away at the bid opening that these bids weren't done  
16 right, well, why did they open up price proposals if  
17 they weren't done right?  Somebody was done right and  
18 that was us so that just raised a red flag with me and  
19 I -- I --

20           Q.    Right now I'm focusing on your conversation  
21 with Craven.

22           A.    Yeah.  And that's what -- well, I told  
23 Craven that.  I told him why would they open that up  
24 if -- if you're not -- why do you go any further, you

1 know, if you do that.

2 Q. What did he say?

3 A. It was -- I didn't get a lot of stuff out of  
4 him. I'll check into it. I'll let you know. I'll  
5 get back to you, something like that. And I never  
6 heard back and then I got ahold of Steve and had  
7 Steve -- Steve got ahold of him.

8 Q. And did Steve tell you what he said?

9 MR. KESTEN: That's not privileged  
10 by the way.

11 A. I don't know. I think Steve wrote him a  
12 letter too, but I don't think Steve got anywhere with  
13 the guy either.

14 Q. So you submitted a second bid?

15 A. Correct.

16 Q. Was it the same as the first?

17 A. Yes. There was no reason to change even  
18 though there was a change to the RFP itself.

19 Q. Did you notice it right away?

20 A. Oh, yeah, actually, Jason did and pointed it  
21 out to me and said it.

22 Q. That was before he had the three kids.

23 A. He might have had one at the time.

24 Q. He had time then. Did you ever have any

1 interaction with anybody in the town between the two  
2 bids after they cancelled the first bid before they  
3 had made the second award?

4 A. I don't think so. I think even after that I  
5 did not communicate I don't think with even Cushing.  
6 I think I just didn't bother. I'm not sure on that,  
7 but I would think that.

8 Q. And then you were -- you got the notice of  
9 award. Did they send you a notice that they're  
10 awarding it to --

11 A. Yes, to CALM, yeah.

12 Q. With that letter?

13 A. Yeah.

14 Q. And you filed -- you amended the lawsuit and  
15 filed a motion for injunction?

16 A. Correct.

17 Q. Did you have any contact with the town prior  
18 to the hearing of the injunction?

19 A. No, no. I don't believe any, no. Wait a  
20 minute. I'm trying to remember what -- how long it  
21 would be, the hearing. We did request records.

22 Q. I'm not asking about contact that you had in  
23 writing. I'm talking about verbal.

24 A. Okay.

1 MR. FOLLANSBEE: Just for clarity,  
2 are you asking about him personally --

3 MR. KESTEN: Yeah.

4 MR. FOLLANSBEE: -- or the company?

5 Q. Well, him or anyone on your behalf.

6 A. I'm trying to remember the dates we went --  
7 after the award, it would have been January something,  
8 mid-January. And then we went -- I don't know when we  
9 went to court, but I do know we asked for the  
10 documents -- that might have been for the first bid  
11 too; I think we did it for both of them. We asked for  
12 documents.

13 It's supposed to be public record after ten  
14 days, and Troy wouldn't give them to -- town hall  
15 wouldn't give them to him. Jason went down once or  
16 twice. They wouldn't give them to him. And then  
17 Steve went down and they wouldn't give them to Steve.

18 That was for the first one because Troy --  
19 we were told that Troy took the records to his office  
20 which is against the law.

21 Q. And then the reward letter came out on the  
22 15th?

23 A. Okay. And then we went to court on the --

24 Q. You went to court on the 27th.



1 A. Twenty-seventh.

2 Q. So it would be in between that time, I  
3 believe, that Steve Follansbee went and talked to  
4 MacDonald?

5 A. Might have went down for the records that  
6 I'm going to get, yeah.

7 Q. And there was a letter that was sent on the  
8 16th on your behalf --

9 A. Okay.

10 Q. -- about CALM being unqualified?

11 A. Correct.

12 Q. And were you personally involved in going  
13 anywhere, talking to anyone?

14 A. No, no. Jason or Steve did it.

15 Q. Then you had the hearing. I mean, we have  
16 the transcript. We know what was said. Did you have  
17 any conversations with anyone from the town on the day  
18 of the hearing trash-talking anyone?

19 A. Let me think.

20 MR. FOLLANSBEE: This is the second  
21 hearing; right?

22 MR. KESTEN: Second hearing.

23 A. No. I think Troy trash-talked me.

24 Q. How so?

1           A.    He turned around while he was presenting his  
2           argument to the judge and pointed at me and told me  
3           that I need to look in the mirror because I have no  
4           one to blame but myself for losing this bid because I  
5           lowballed the bid.

6           Q.    So the -- and that was the only contact you  
7           had with -- he just said something during the argument  
8           about you?

9           A.    Yeah, yeah, and he had that, you know -- his  
10          way of throwing a blow or whatever. I don't know. He  
11          pointed at me. I did not like him pointing at me. I  
12          will say that, and he's -- whatever, I won't go into  
13          that.

14          Q.    I'll keep that in mind.

15          A.    Okay. I don't think anybody likes being  
16          pointed at actually.

17          Q.    In Walpole you get killed for that.

18          A.    I wouldn't doubt it.

19          Q.    That's happened. I interviewed a guy.  
20          Why'd you kill him. He pointed at me and kept staring  
21          at me.

22          A.    Oh, wow.

23          Q.    I'll look away. So you got the injunction?

24          A.    Correct.

1           Q.   And how was -- how did you operate under the  
2           injunction? You got the injunction. Did you deal  
3           with Cushing? Who did you deal with at the time?

4           A.   Cushing -- it was set up by Steve and Troy  
5           in that we would deal through Cushing totally. And it  
6           sort of -- it was tough in the beginning because they  
7           wouldn't let us renew the liquor license which  
8           licenses are renewed in November.

9                   And we had told them, look, if we're not the  
10          successful bidder, we'll just transfer the license.  
11          It's not a big deal. We've done this before in other  
12          towns. Let us get the license, so, no, they  
13          wouldn't.

14                   So then we start without a license, a liquor  
15          license, and it was -- by the time we got the  
16          injunction was -- what? mid-February. We weren't --  
17          we didn't even -- when we got back in operating it was  
18          probably still snowing.

19                   We didn't get operating till May -- I mean  
20          till March, so we were short money. We had to reapply  
21          for a whole new liquor license, which took, like, ten  
22          weeks, so that was a pain.

23                   We operated -- it was agreed upon -- I think  
24          the judge stipulated that it would operate under the

1 old contract, so we paid them the average payment of  
2 the ten years and we paid them -- seeing we didn't  
3 start till March we had -- in my opinion -- I remember  
4 Troy saying some ridiculous thing of we owe them  
5 money -- but we paid them a hundred thousand from  
6 March to -- till through December so that became for  
7 those two years the schedule March through December a  
8 hundred thousand.

9 And I think the year we left Troy was trying  
10 to say we owed him two months' rent which was  
11 ridiculous.

12 Q. Any major problems operating in '09?

13 A. No, because the group that didn't like us  
14 very few of them were playing golf there. They had  
15 picked up and left shortly after the whole court  
16 thing.

17 Doolin, the chairman, who was a member for a  
18 while didn't become a member. I think he testified in  
19 his deposition that he wasn't going back to that golf  
20 course till I was out and that was the feeling.

21 So as far as normal people we had -- there's  
22 a lot of nice people there with families, husbands and  
23 wives that in my opinion loved us, but they weren't  
24 the crybabies. They didn't make the noise so they

1 weren't the squeaky wheel.

2 Q. So in '09 was your volume similar to what it  
3 had been in '08 or '07?

4 A. No. It went I think -- I can't remember  
5 specifically, but my memory is that it went down in  
6 revenue because of the uncertainty of the golf  
7 course.

8 It was well publicized. The paper at the  
9 time was trashing us over and over again. The town  
10 every year for the 14 previous years we had run the  
11 course they used to put the advertisement in the  
12 newspaper for us that memberships would go on sale  
13 November 1st, and that's why I say the junior  
14 memberships would be sold out in two days. People  
15 used to stand outside to get their kids in.

16 And when we were awarded by injunction in  
17 February, I asked Cushing if he would do that. He  
18 said he'd pass it by Richard, never happened.

19 They were -- and then we found out later  
20 they were still telling people not to join. They were  
21 telling them don't get your dues in. We're still not  
22 through with this. We're going to be contesting so it  
23 created --

24 Q. And how'd you find that out?

1           A.    People that came in. People that were --  
2           that used to be members that would come in and go, you  
3           know, I don't know what to do, you know. We had a  
4           number of those. I don't know what to do. They're  
5           telling me I shouldn't join. They're telling me that  
6           something else is going to happen, so that's the way  
7           it was for both '09 and '10.

8           Q.    Who were the they?

9           A.    They as far as names?

10          Q.    Yeah.

11          A.    Wow, I wish I could remember some of the  
12          names. I think Brandy -- there was a couple that used  
13          to play every Saturday and Sunday in the afternoon. I  
14          forget their names. Brandy might remember some names,  
15          maybe, Jason does too. I don't know.

16          Q.    Who's Brandy?

17          A.    Brandy was the manager there for two years.

18          Q.    Brandy?

19          A.    Brandy.

20          Q.    Brandy?

21          A.    Yeah.

22          Q.    Last name?

23          A.    Viens, V-I-E-N-S.

24          Q.    And where is Brandy Viens now?

1 A. She's in Plainville.

2 Q. Working for you?

3 A. Yes, yes. She works out in Auburn.

4 Q. And she was told by people that --

5 A. We don't know what to do. Should we join?  
6 Should we not join, you know.

7 Q. Well, are you sure it was because they were  
8 being told this or because they read about it in the  
9 paper?

10 A. Well, they said that they made -- they would  
11 call and they were told specifically, hold off, don't  
12 do it, you know, and that went on even for the next  
13 year.

14 Q. Told by who?

15 A. By either the rec department or the town  
16 manager's office.

17 Q. So your memberships dropped?

18 A. Yes.

19 Q. Was there a limit, a cap on the memberships?

20 A. Yeah. There was a cap of 200 adult  
21 memberships which that never ever was 200, never made  
22 200. As far as people themselves, it might have been,  
23 but not as specific memberships.

24 Because if you have a family membership, you

1 might have a husband and wife and three kids so  
2 there's five, but, you know, it's only one membership.

3 So as far as 200 adult memberships we never  
4 hit that. We'd hit the juniors but not that.

5 Q. Any other problems in 2009 running North  
6 Hill?

7 A. I did -- I think it was '09 one of the guys  
8 on the North Hill Advisory Committee, James Ford, I  
9 believe he sent a letter to Cushing in early April  
10 complaining about the condition of the golf course,  
11 which Cushing came out, went around the golf course,  
12 spoke with me, went around the golf course with Joe.

13 We wrote a written response, and then  
14 Cushing basically told this guy to knock it off. It  
15 was totally unwarranted and it was his way of filing a  
16 complaint I would say.

17 Q. Any other problems in '09 that you recall?

18 A. No.

19 Q. When's the time you went to Troy's office?  
20 Was that in 2010?

21 A. I think that was in July of '09.

22 Q. Tell me about that.

23 A. Wow, that was a good one.

24 Q. Unforgettable.



1           A.    He asked Troy -- Steve went with me, and I  
2           think it was in July of '09 -- he wanted to know if I  
3           was interested in rebidding the golf course.

4           Q.    How do you know? Did he say that to you or  
5           is that something you heard from --

6           A.    Oh, he said it to me. I was in his office.

7           Q.    So you were invited to a meeting?

8           A.    Yeah, I think it was July 9th, somewhere in  
9           there.

10          Q.    What was your understanding of the purpose  
11          of the meeting?

12          A.    We thought that he was going to try to work  
13          something out with us. We were brought down there  
14          thinking, look, maybe, they're going to settle this  
15          thing, you know. We're happy to come.

16                Steve said -- Steve always would say to him,  
17          look, we're happy to try to settle this and, you know,  
18          get the ball rolling the right way rather than deal  
19          with this negativity, so we went down. I think our  
20          plan was --

21          Q.    Who went?

22          A.    Just Steve and I, Gordon Cushing, and Bob  
23          Troy.

24          Q.    Who drove?

1 A. It might have been me. Was it?

2 MR. FOLLANSBEE: Off the record.

3 (Discussion off the record).

4 Q. (BY MR. KESTEN) You get to beautiful Dennis?

5 A. Yeah, oh, no, Sandwich.

6 Q. Sandwich. I'm sorry.

7 A. Yeah.

8 Q. Beautiful Sandwich?

9 A. Yeah.

10 Q. You go to the office?

11 A. Yeah.

12 Q. Then what happens?

13 A. Okay. So he asked me if I'm --

14 Q. So it's Cushing and --

15 A. Cushing is there, correct.

16 Q. Just Cushing?

17 A. Just Cushing. So he asked if I'm interested  
18 in rebidding. And I said, "No. Why would I want to  
19 rebid? I've won this bid twice, you know, no."

20 So he -- I do -- this is great, he told me  
21 that he had let me run the golf course.

22 And that's when I looked right at him and I  
23 go, no. The judge ordered you to let me run the golf  
24 course. This case is in -- this course is in the

1 judge's hands not yours.

2 So then he -- I think I must have rattled  
3 him a little because then he told me that I was very  
4 difficult to get along with.

5 So I said, "Okay. Tell me specifically how  
6 I'm difficult to get along with."

7 And he said something to the effect, I heard  
8 you're -- and I said, "Oh, okay. Who did you hear it  
9 from?"

10 And he couldn't give me any answer.

11 And I said, "I've got a better idea. Gordon  
12 Cushing's right there. He works with us so Gordon am  
13 I difficult to get along with?"

14 And Gordon said, "No." So then we had  
15 another little brief exchange because I had had about  
16 enough of this guy anyway, but -- so --

17 Q. So you became difficult to get along with?

18 A. No, he did. I'm never -- I'm never  
19 difficult to get along with, no.

20 Q. All right.

21 A. It's just that some people can't handle the  
22 truth. That's the problem that I have.

23 So something happened again. I'm trying to  
24 remember exactly, but he -- he, again, inferred that I

1 was difficult to get along with.

2 And then I said to Cushing again, "Gordon,  
3 you want to answer that again?"

4 And then Troy goes, don't answer that. And  
5 that was basically the end of the meeting. We got up  
6 and walked out. He was going to throw me out too. He  
7 might have thrown me out.

8 MR. FOLLANSBEE: Oh, there's no  
9 doubt about it.

10 THE DEPONENT: Yeah, I think he did  
11 ask me to leave, so, okay, nice seeing you. So,  
12 therefore, I went down -- it actually you know now  
13 that I think of it, Lenny, it sort of reminded me of  
14 that meeting we had in March when we went down there  
15 thinking that we might be able to work things out and  
16 he threw us out of there too so that was the way.

17 Q. Well, that was not a --

18 A. I get a kick -- that shocked me when he  
19 asked me if I wanted to rebid. I mean, I'm going,  
20 wow, I must look stupid I guess.

21 Q. So you shut the golf course down at some  
22 point in the fall?

23 A. Depending on the weather. Some winters  
24 we've been open year-round, you know, through the

1 winter, the whole deal. We try to be -- accommodate  
2 everybody.

3 A lot of those guys, the die-hard guys, the  
4 old guys always a great group of weekday guys, you  
5 know. They'd be the weekday members, the old guys.  
6 Most of them very nice guys just want to play their  
7 golf, don't want to get involved in the politics.

8 So if we could be open to them in the  
9 winter, we were open, you know. They had no -- they'd  
10 drink. They'd come in have their coffee, the whole  
11 deal, you know, so they were good.

12 Q. So you then move into the oh, ten season?

13 A. Yeah. Can I back up for just one thing  
14 'cause talking about old guys just reminded me of  
15 something. There was a guy that did tell me to my  
16 face that I wouldn't be going there back under  
17 contract.

18 Q. Who is that?

19 A. Bob Doyle.

20 Q. And he is Mike Doolin's father-in-law?

21 A. Correct.

22 Q. When did he tell you that?

23 A. He told me that shortly after the hearing in  
24 '04, the tee time policy. He -- he used to -- when

1 he'd come around, it was always to complain. He was  
2 well known complaining about everything that went on  
3 there.

4 The bar was too -- we built the clubhouse --  
5 I think there's a newspaper article when we built the  
6 clubhouse. And he's sitting in the new clubhouse as  
7 it's under construction and he complained to the  
8 newspaper that the bar was too big, so he was just one  
9 of these chronic complaining style guys.

10 Q. Does he have any kind of position in the  
11 town?

12 A. No.

13 Q. And he's a regular player?

14 A. He was -- I don't think he was ever a  
15 member, but he used to play. He would complain -- I  
16 remember it was sort of funny when, you know -- in the  
17 original contract, it would say we'd have coupon books  
18 for seniors where they would get a discount, you know,  
19 so they'd buy a book of ten plays and get a discount  
20 of a buck or two bucks or whatever it was.

21 So we had a year where I think Jason and  
22 Kelly implemented it we changed to technology with  
23 cards so you'd have a -- he'd get a card now. We had  
24 the cards, but he went and complained to the town that

1 we don't have coupon books anymore.

2 So we had to explain to the town that we  
3 have -- we've upgraded our system here. You don't  
4 have to worry about losing your coupon. You get the  
5 card and, plus, you're on file with the card so that's  
6 what we did, but he complained about that so that was  
7 sort of funny.

8 Q. And how did it come about that he told you  
9 this?

10 A. He told me that we wouldn't be back here?

11 Q. Yeah.

12 A. He just didn't like me. The funny thing  
13 is --

14 Q. The guy just came up to you and --

15 A. He was -- if I was around, he'd always find  
16 a way to find me and say stuff so he liked -- I think  
17 he liked to -- whatever, give me the business or --

18 Q. Trash talk?

19 A. Yeah, and half the time when he got older,  
20 like, in the last -- he -- when he got really old, he  
21 didn't even know who I was. That last incident with  
22 him he didn't even know who I was.

23 When he found out who I was, he walked back  
24 in to confront me. If was funny. It was good. He

1 didn't even have a clue who I was. He went in and  
2 asked -- he asked Bill Kiniry and Joe, who is that  
3 anyway? He goes, that's Doug Johnson.

4 So he told me -- walks back into the bar and  
5 starts giving me the business.

6 Q. What'd he say?

7 A. Just started bitching at me, I'll be glad  
8 when you're gone, this and that.

9 And I just said, "Look, you need to be  
10 quiet, okay." I said, "You need to knock it off and  
11 get away from me." That's all, so...

12 Q. And when was this? This was back in '04 you  
13 think?

14 A. No. This was -- that last time was, like,  
15 two years ago in 2010.

16 Q. That's when the police were called?

17 A. Yeah, yeah.

18 Q. But I'm talking about --

19 A. Way back -- well, yeah, he -- he -- that guy  
20 was like that from Day 1 1995. He supposedly -- and  
21 I -- he used to work for the Gunnarsons, so whatever  
22 we did at North Hill he hated.

23 He absolutely was totally one hundred  
24 percent against Johnson Golf Management of anything



1       that went on in that town. That was his big thing.  
2       He was just a pain in the you know what. He  
3       complained about every -- he'd complain about a candy  
4       bar. I mean, he'd complain about anything he could  
5       find.

6           Q.     But it was back in '04 that he told you --  
7       at that point he knew who you were?

8           A.     Oh, yeah, his mind was still pretty good  
9       then.

10          Q.     How did it come about? He came walking by  
11       you and --

12          A.     I think it had something to -- I think that  
13       it had something to do with the -- the -- he didn't  
14       like when the building was built that the bar was big  
15       and he had a comment about the bar.

16                 And I just said, you need to -- I said  
17       something to him.

18                 And then he said, "Well, you won't have to  
19       worry about it 'cause you won't be here," so...

20          Q.     What'd you say?

21          A.     I didn't say anything. I just didn't really  
22       want to respond to him.

23          Q.     Tell me about the incident when the police  
24       were called.

1           A.    I walked in -- and I'm trying to remember  
2           what -- it was in the fall because there was no one --  
3           not many people around in the building.

4           Q.    Fall 2010 you think?

5           A.    Yeah, yeah. I came into the building. I  
6           looked in. And as you come in the front door the pro  
7           shop's over here. The bar and room is straight  
8           ahead.

9                    I saw four guys in there looking around. I  
10          hear something going, and some -- one guy's pointing  
11          out all this stuff and all this. It went right around  
12          the bar too.

13                   And so I go in and look and I go -- and I  
14          hadn't seen this guy probably for five years, so I  
15          said something to him. I said, "Ain't you Doyle?"

16                   And he looks at me and he goes, yeah, why?

17                   I said, "You're not dead yet?" So he didn't  
18          like that.

19           Q.    I don't know why people think that you would  
20          not be as nice as you are.

21           A.    Well, this guy -- this guy -- that's too  
22          good for him, so -- so he didn't know who I was, so --

23           Q.    He just thought it was a random guy.

24           A.    No, what he did then -- then I had to go --

1 I went into the bar to get a soda and whatever so I'm  
2 behind the bar.

3 And he left and went in the pro shop, then  
4 he comes out storming at me, right, so I'm pouring a  
5 drink. So he goes -- he swore at me, called me a  
6 couple names.

7 And I said, "Just leave. Okay. You need to  
8 leave." And I believe I did make a comment. I said  
9 to him, "If you were 40 years younger, I'd kick the  
10 crap out of you right now," but I just said get away  
11 from me.

12 He wouldn't leave. He goes back and tells  
13 Bill Kiniry and Joe, call the police, this and that.  
14 And I think Bill -- I don't know because I wasn't out  
15 there, I'm just going by what they said later -- he  
16 said, what are we going to call the police for? Why?  
17 What went on? What happened, and it was nothing that  
18 happened.

19 And so as a matter of fact I just went about  
20 my business went out the back door and I left. So  
21 then police came. I had a detective call me a couple  
22 days later, talked to him, and, you know, I told him  
23 just what I told you.

24 And he said, "Well, you know you got to be

1 careful. These old guys," you know -- the guy's 80 --  
2 whatever he was.

3 And so I said, "Yeah, I know. I  
4 understand."

5 The guy could have a heart attack.

6 I said, "Really." I said, "What about me?"  
7 I said, "I've had a heart attack, so what? He can do  
8 that to me, but I'm not going to say something.  
9 That's not what I do."

10 So the cop was fine about it. He did his  
11 report, did his job, and I never heard another word  
12 after that so I don't know.

13 Q. So you're into 2010?

14 A. Yeah.

15 Q. Things are proceeding along in court. How  
16 did you first find out that they were going to try to  
17 have hearings?

18 A. I think they sent me a letter with these --  
19 it started out as ten violations of the contract.

20 Q. Did you hear anything about this before you  
21 got the letter?

22 A. No.

23 Q. So this was sort of out of the blue?

24 A. Yeah, yes.

1 Q. So you got the notice of violation?

2 A. Right.

3 Q. You tried to stop the hearings in court?

4 A. Yes.

5 Q. It didn't happen. The hearings proceeded?

6 A. Right. I responded to their complaints  
7 first too in writing.

8 Q. Right. And was it October 4th when you  
9 presented your stuff to the -- is that the first  
10 hearing you presented your stuff to the board of  
11 selectmen, your settlement package?

12 A. Oh, no. I went to a selectmen's meeting in  
13 I think it was, like, March or April of 2010, walked  
14 into -- yeah, because the selectmen were Sullivan,  
15 Witten, and Donato.

16 So I brought in -- this was after Lanzetta  
17 had been deposed, CALM Golf, and MacDonald, and after  
18 reading the depos counsel conferred with me about,  
19 look, we should try to make every effort to try to  
20 settle, so I agree.

21 So I brought them in these, like, packets.  
22 I think there were four. One for the town manager  
23 too. They must have been this thick (indicating). It  
24 had the depos -- complete depos of MacDonald, of

1       Lanzetta, all kinds of other letters. I think we had  
2       tried to settle with them even off the bat, like, a  
3       month after all this went out when the judge --

4                       (Whereupon Mr. Laramee left the  
5       proceedings).

6       A.     -- Judge Smith had ruled that he found it  
7       incredible that they could rank CALM higher than --  
8       the one great thing -- that was one of the two times  
9       that I've come in contact with Betsy Sullivan.

10               I remember when the new business thing came  
11       up, I raised my hand, and she was smiling. And then  
12       when I said who I was, her smile turned into this,  
13       like, real bad frown.

14               So I said, "Look, I'm just here -- I have  
15       some information. I know you know we're in  
16       litigation. I have some information that I'd like to  
17       give you to go over and perhaps we can talk about it  
18       and settle this or whatever."

19               She goes, well, we can't do it right now.

20               I said, "I understand that." I said, "I've  
21       got these things. I'm happy to give them to you."  
22       And then on my way -- that's all I said. It took a  
23       minute and out the door I was.

24               So I gave them all those packets and that

1 was the first time I had presented -- but, like I  
2 said, I can remember even at -- I think at MacDonald's  
3 deposition I think Steve and Troy -- Steve tried to  
4 talk to Troy about settling this saying, look, you  
5 know, you've got to read what the judge says and  
6 whatever and all this other stuff.

7 And Troy was -- I guess it went in one ear  
8 and out the other, whatever.

9 Q. There was a hearing regarding the bond in  
10 the fall of 2010?

11 A. Correct.

12 Q. At which you made some remarks to Gordon  
13 Cushing --

14 A. I think I said --

15 Q. -- about what Troy had said to the judge  
16 about the amount?

17 A. Oh, that was in court.

18 Q. Yes.

19 A. I've got to get my dates right. I want to  
20 say -- okay. That had to be November of 2010 in  
21 court. Wow, I think the bond that was supposed to be  
22 in place was, like, 150,000 by contract.

23 But we couldn't get bonded anyway in the  
24 litigation years because no bonding company would

1 litigate me.

2 And I did tell the town that. I gave it to  
3 them in writing. I told them. I said, "Look, I'll be  
4 happy to put up as collateral my equipment here. I've  
5 got a half a million dollars' worth of equipment.  
6 I've got all this stuff, whatever you want to do is  
7 fine with me."

8 (Whereupon Mr. Laramee joined the  
9 proceedings).

10 A. So that became unacceptable. Troy came up  
11 with this thing to the judge, look, he's got no  
12 security.

13 And the judge did say, all right, that was  
14 an oversight on my part. I am going to order them to  
15 get security. How much security do they need?

16 Troy goes, we need at least 300,000.

17 And then so Steve argues, Your Honor, they  
18 don't take in that much money in memberships. There  
19 is no money that they have.

20 I believe Troy even lied or misrepresented  
21 he was trying to tell the judge we had already taken  
22 money in which was totally ridiculous for the next  
23 year. We didn't do that.

24 So Steven tells the judge that they take in



1 about a hundred thousand in memberships a year.

2 That's it.

3 So Troy goes, well, I have the town manager  
4 and the rec director right here. Will you give me a  
5 minute, Your Honor, to confer with them. So he goes  
6 back talks to Troy and MacDonald sitting right there  
7 watching us.

8 MR. FOLLANSBEE: Cushing.

9 A. Cushing and MacDonald, and he goes and he  
10 tells the judge -- he goes, Judge, they take in  
11 350,000 in membership money, and we need more than  
12 that. We need a half a million dollars in security.

13 I'm sitting there going, you got to be  
14 kidding me. So the judge, you know, again, he's not  
15 thinking that attorney's a liar, but that was it. He  
16 goes, okay. I order you to get a half million in  
17 security so the scramble was on.

18 But Steve then filed a motion --

19 Q. Tell me something on the way out though --

20 A. Yeah, I asked Cushing --

21 Q. What do you remember about that interaction?

22 A. I said to Cushing -- Troy, Cushing, and  
23 MacDonald were right there, and I said to Cushing,  
24 "That's pretty good, Gordon, you told them that we

1 take in 350,000 in memberships."

2 And he said he never said that which I don't  
3 know if he did or didn't. Only him and Troy know that  
4 and MacDonald I guess.

5 So we fought and then they reduced it to  
6 200,000, and I ended up getting security. It took me  
7 a couple of months, but we did get it so we did have  
8 the security in place when they finally threw us out  
9 anyway, you know, but...

10 Q. Tell me about the liquor cart. It was one  
11 of the charges against you.

12 A. There was never a liquor cart or a beer cart  
13 out in that golf course in '09 or '10. I'm going to  
14 say that before that, maybe, in '07 or '08 it's  
15 possible that there was for, like, certain things,  
16 tournaments.

17 But the liquor license, itself, said on  
18 it -- and I actually -- the liquor license said the  
19 entire nine hole -- something to this effect the  
20 entire nine-hole golf course and clubhouse, so that's  
21 what our liquor license said.

22 I didn't feel I was doing anything wrong.  
23 And then upon further investigation I think the fact  
24 is that that was allowable when the Gunnarsons did

1 it. We never started doing it probably -- we probably  
2 did it for two years, '06, '07, something like that.

3 But the reason it came about was because  
4 Massachusetts passed a law I think in '08 that they  
5 were going to allow beer carts on golf courses so you  
6 had to apply for a different license than your liquor  
7 license.

8 So what I did -- I opened it up because I  
9 said, look, I'd like to apply for this license to put  
10 a beer cart out there, and, you know, it's policed. I  
11 have ServSafe people, TIP certified people, all this  
12 stuff.

13 So that opened up their little scheme I  
14 would call it to, oh, he's been -- he's been serving  
15 liquor out there.

16 And I know in Cushing's affidavit Cushing  
17 said that we were doing it and then under -- in his  
18 own depo he said he never saw that, so -- and the --  
19 so truth is we never did it in '09 and '10 when we  
20 were litigating.

21 There's no way I'm going to -- well, I  
22 wouldn't do it once I -- I applied for that license  
23 and opened that up in '09. So once I knew there's a  
24 whole different license, I didn't -- regardless of

1        what the license said, I didn't care. I just said I'm  
2        not going to put myself in that position.

3            Q.    Before you got the notice of charges --

4            A.    Yeah.

5            Q.    -- had you gotten any indication from anyone  
6        in town that there were problems?

7            A.    No.

8            Q.    The first thing you got was that notice?

9            A.    Yes. In 15 years, they never complained  
10       about anything about us.

11          Q.    Now, when they went out -- when they sent  
12       out the invitation to bid?

13          A.    IFB?

14          Q.    Yeah.

15          A.    Yeah.

16          Q.    Did you review that?

17          A.    Yes.

18          Q.    And why didn't you bid?

19          A.    There's a number of reasons, but the ones  
20       that stick out in my head was, basically, it was a  
21       ten-day contract that they could throw you out in ten  
22       days.

23                Other things were that you can't litigate  
24       against the town if you have a problem. You can't --

1 any decision or discrepancy was to be decided by the  
2 town manager of Duxbury, number of things like that.

3 So the way -- I said, how can I bid this  
4 contract. It's impossible. I have friends also in  
5 the golf business that are competitors of mine. We're  
6 friends, but we're competitors.

7 They sent that IFB packet out to roughly 13  
8 different parties of -- which of the 13 probably eight  
9 or nine were legitimate companies. No one bid it,  
10 zero.

11 And one friend of mine, as I said a  
12 competitor, called me and said, "What the heck is  
13 this?" And he said, "What is going on there?"

14 And I just said, "You're reading it too,  
15 Murph, so you want to bid it be my guest." So I  
16 wasn't going to bid it. I mean, I -- there's no way  
17 you could bid it.

18 I think the thing is a civil rights  
19 violation myself anyway. If you have a problem,  
20 they're telling you can't litigate. I mean, that  
21 doesn't make a lot of sense to me.

22 Q. Who's Murph?

23 A. Steve Murphy.

24 Q. Oh, that one.

1 A. Do you know him?

2 Q. That's like John Smith.

3 A. His company's Golf Facilities Management.

4 They -- they -- let me see, they operate Gannon

5 Municipal up in Lynn, Beverly Golf and Tennis. I

6 think they got one other one too. Where is it?

7 Maybe, North Reading, North Reading or something like  
8 that.

9 Q. So he called you?

10 A. Yeah, we talked, yeah.

11 Q. And said he got this package?

12 A. He got e-mailed the stuff.

13 Q. Who else got it?

14 A. I think Sterling got it, but I don't recall  
15 talking to Sterling about it, Billy Casper got it.

16 Q. What's the name of his company?

17 A. Sterling Golf, Billy Casper Golf Management.  
18 There were a number of them.

19 Q. How did you know who got it?

20 A. The e-mail -- I believe the e-mail went to  
21 Jason, and they actually e-mailed out the -- saying  
22 that there'd be an IFB going out to bid.

23 The other thing I remember about the IFB is  
24 that Troy in court in November was telling the judge