1	No. of Pages: 54				
2	COMMONWEALTH OF MASSACHUSETTS				
3	ESSEX, SS PROBATE & FAMILY COURT				
4	DEPARTMENT				
5	Docket No. ES09E0094QC				
6					
7	ALEXANDER B.C. MULHOLLAND, JR., ET AL				
8	VS				
9	ATTORNEY GENERAL OF THE				
10	COMMONWEALTH OF MASSACHUSETTS, ET AL				
11					
12					
13					
14	DEPOSITION OF DIANNE A. ROSS, a witness				
15	called on behalf of the Plaintiffs, taken pursuant to				
16	Notice under the General Rules of Civil Procedure of the				
17	Superior Court before Brenda M. Nadeau, a Notary Public				
18	in and for the Commonwealth of Massachusetts, at the				
19	Offices of MacLean, Holloway, Doherty, Ardiff & Morse,				
20	PC, Eight Essex Center Drive, Peabody, Massachusetts, on				
21	Thursday, October 27, 2011, commencing at 10:30 A.M.				
22					
23	BRENDA M. NADEAU, PCR, P.O. BOX 916, GEORGETOWN, MA 01833				
24	BMN 1-978-766-7145 BMN				
25	******** COMPUTER AIDED TRANSCRIPTION *********				

1	EARANCES:		
2			
3	MacLEAN, HOLLOWAY, DOHERTY, ARDIFF & MORSE, PC		
4	William H. Sheehan, III, Esq.		
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7	On Behalf of the Plaintiffs		
8			
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13	On Behalf of the Defendants		
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STIPULATIONS

It is hereby stipulated and agreed by and between counsel for the respective parties that all objections, except objections to the form of the questions, and motions to strike, shall be reserved until the time of trial.

It is further stipulated and agreed that the reading and signing of the deposition transcript will take place under the pains and penalties of perjury within thirty days of the receipt of said transcript or it shall be deemed to have been read and signed.

1.8

MR. SHEEHAN: There are executive session meeting minutes that have been marked at prior depositions that I may make references to during the course of the deposition of Ms. Ross, and I will be asking her or may be asking her questions about what transpired at executive session meetings. And counsel have agreed that we're going to keep those confidential, until we get a court order as to what we'll do with that information, and the nature of the confidentiality is consistent with a stipulation that we marked as Exhibit Number Two at Richard Korb's deposition.

- 1 DIANNE A. ROSS, first being duly sworn, deposes
- 2 and says as follows:

3

4 DIRECT EXAMINATION

5

- 6 Q (By Mr. Sheehan) Good morning. Would you please state
- 7 your full name and spell your last name for the record?
- 8 A Dianne Alice Ross, R-O-S-S.
- 9 Q Where do you live?
- 10 A One Blair Drive, Ipswich, Massachusetts.
- 11 Q How long have you lived there?
- 12 A Eighteen years.
- 13 O Married?
- 14 A Yes.
- 15 O Husband's name?
- 16 A Peter Ross.
- 17 Q What does Peter do for a living?
- 18 A He's an attorney.
- 19 Q And your date of birth, please?
- 20 A October 14, 1964.
- 21 Q Your educational background, starting with high school?
- 22 A High school, you want the schools I went to?
- 23 O Please.
- 24 A Okay. I graduated from Mill River Union High School in

- 1 North Clarendon, Vermont, and I went to the University of
- 2 Vermont. I have a Bachelor of Science in Mathematics,
- 3 spent a year abroad at the University of Nice, in France,
- 4 and graduated from UVM in 1987.
- 5 Q Any formal education, beyond your Bachelor's, from the
- 6 University of Vermont?
- 7 A Just real estate license.
- 8 Q Tell me about getting your real estate license?
- 9 A I took classes at Harris Real Estate School in Rowley,
- in, I believe, 2000, and then, I took the test and passed
- it the first time.
- 12 Q Are you a licensed real estate broker?
- 13 A I still am -- agent, sales agent, sales person.
- 14 Q Sales agent?
- 15 A Yes.
- 16 Q What's the difference between a licensed sales person and
- 17 a licensed real estate broker?
- 18 A A broker has to take more classes and they are actually
- 19 -- and they have to have experience as a sales person,
- first. The laws just changed, but I know they have to be
- bonded, as well. So, they can actually open their own
- business, whereas, a sales person can't.
- 23 Q Insofar as selling real estate, is there anything that
- you can't do that a licensed real estate broker can do?

- 1 A Oh, I can't escrow money.
- 2 Q You can't hold money in escrow?
- 3 A Right.
- 4 Q Anything else?
- 5 A Probably, but I don't know.
- 6 Q Do you have a family?
- 7 A I do.
- 8 Q And the names and ages of your children, please?
- 9 A I have one son, whose name is James, and he is nineteen.
- 10 Q Have you held any full time employment outside of the
- 11 home?
- 12 A When? Like, my whole life?
- 13 Q From 1987?
- 14 A From 1987, yes.
- 15 Q Would you tell me about your full time positions, please?
- 16 A I was a full time -- I was a manager and a manager
- trainee, first, at FW Woolworth. In training, I moved,
- like, five times in two years. Don't ask me where, I
- couldn't remember at this point, which is what brought me
- to Ipswich, is the manager of Woolworth's. And then, I
- went to Lechters Housewares, after my son was born. I
- was a manager there, for two or three years.
- 23 Q What's the name of the company?
- 24 A Lechters Housewares, L-E-C-H-T-E-R-S.

- 1 Q Where is that located or where was it located?
- 2 A It was. I was, actually, in Swampscott, and then I was
- 3 at the Liberty Tree Mall. It's closed, now.
- 4 Q How long were you with Woolworth's?
- 5 A I'd say, about five years.
- 6 Q And how long were you with Lechters?
- 7 A About three.
- 8 Q Did you -- have you had full time employment since
- 9 Lechters?
- 10 A I opened my own day -- family, licensed family day care
- business, which I did for five years, and then ----
- 12 O Where was that?
- 13 A At my house.
- 14 Q Okay. What else?
- 15 A And then I went into real estate for ten years, five
- 16 years at Vernon Martin and five years at Coldwell Banker.
- 17 Q Are you presently with Coldwell Banker?
- 18 A No, I'm now a manager at Dollar Tree in Gloucester.
- 19 O What is Dollar Tree?
- 20 A It's a retail store where everything is a dollar; really,
- is a dollar.
- 22 Q You say that's in Gloucester?
- 23 A Yes.
- 24 Q How long have you been there?

- 1 A In Gloucester, about a year. I've been with the company
- 2 a year and a half.
- 3 Q While you were a licensed sales person with Vernon
- 4 Martin, did you sell any real estate located in Ipswich,
- 5 Massachusetts?
- 6 A No. Oh, did I -- in Ipswich, yes. I'm sorry.
- 7 Q Did you sell any real state that was located at Great
- 8 Neck?
- 9 A No.
- 10 Q Did you sell any real estate that was located at Little
- 11 Neck?
- 12 A No.
- 13 Q Did you sell any cottages located at Little Neck?
- 14 A No.
- 15 Q While you were with Coldwell Banker, did you sell any
- real estate in the Town of Ipswich?
- 17 A Yes.
- 18 Q While you were with Coldwell Banker, did you sell any
- real estate located on Great Neck?
- 20 A I don't believe so.
- 21 Q And while you were with Coldwell Banker, did you sell any
- real estate located at Little Neck?
- 23 A No.
- 24 Q Did you sell any cottages located at Little Neck?

- 1 A No.
- 2 Q Have you ever engaged in the appraisal of real estate?
- 3 A No. You have to be a licensed appraiser to do that.
- 4 Q Have you had any training in appraising?
- 5 A Appraisals specifically, no.
- 6 Q Have you ever been a member of a School Committee?
- 7 A Yes.
- 8 Q Where?
- 9 A Ipswich.
- 10 Q During what years were you a member of the Ipswich School
- 11 Committee?
- 12 A I knew that was coming next. It was six years.
- 13 Q You served for six years?
- 14 A Yes, and my last term ended in 2009. So, I'd say, that
- 15 means 2003 to 2009. Two terms.
- 16 Q Did you run for re-election following the ending of your
- 17 term in May 2009?
- 18 A No.
- 19 Q Why not?
- 20 A My son was finishing his junior year and I wanted to have
- the time to spend with him his senior year.
- 22 Q And how was it you came to run for School Committee in
- 23 May of 2003?
- 24 A I had run once before. My father was a School Board

- 1 member in my hometown and it was always something I
- wanted to do and the timing seemed right.
- 3 Q When did you first run for election?
- 4 A First time was -- I don't remember. Whatever year Joan
- 5 was elected, the first time. Whenever she started on the
- 6 committee. I don't remember.
- 7 Q In any event, you ran once and were not elected?
- 8 A Right.
- 9 Q And some time after that, you ran for a second time and
- were elected in May of 2003?
- 11 A Right.
- 12 Q And you served from May ----
- 13 A Actually, no. It was April.
- 14 Q April of 2003, and you served continuously as a member of
- the Ipswich School Committee from April 2003 to May 2009?
- 16 A Yes.
- 17 Q At some point in time, did you learn about a group called
- Feoffees of the Grammar School in the Town of Ipswich?
- 19 A Oh, sure.
- Q When did you first learn about the Feoffees?
- 21 A I have no idea.
- 22 Q Did you know about the Feoffees before you began your
- service as a School Committee member?
- 24 A Yes.

- 1 Q As of April 2003, what did you understand was the role or
- 2 obligation of the Feoffees?
- 3 A They were the trustees of Little Neck.
- 4 Q Did you understand that the Feoffees held title to the
- 5 real estate at Little Neck?
- 6 A No.
- 7 Q Did you know who held title to the real estate at Little
- 8 Neck?
- 9 A No, I never thought about it.
- 10 Q When you say you understood that they were the trustees
- of Little Neck, what do you mean?
- 12 A They -- they were in control of it. Just basically, that
- Feoffee was an old form of trustee.
- 14 Q And did you understand that the Feoffees were in control
- of Little Neck for the benefit of someone else?
- 16 A Yes.
- 17 Q To whom did you understand to be the beneficiary of the
- holding of that real estate by the Feoffees?
- 19 A Ipswich Schools.
- 20 Q As of April 2003, had you read any documents or
- literature pertaining to the Feoffees?
- 22 A I have no idea.
- 23 Q From April of 2003, until the time you stopped serving in
- May of 2009, did you ever look at any documents to try to

- determine the organization of the Feoffees or the history
- 2 of the Feoffees?
- 3 A Define documents.
- 4 Q Any papers?
- 5 A Yes.
- 6 Q What did you look at?
- 7 A I don't remember. I know there were papers that were
- given to us by -- in our packets, our weekly packets as
- 9 School Committee, from time to time there were newspaper
- 10 articles. Nothing out of what I would have received from
- either the schools or from Ed Traverso.
- 12 Q What did you get from Ed Traverso?
- 13 A I don't know.
- 14 O Who is Ed Traverso?
- 15 A He's a fellow member -- he was a fellow member of the
- 16 School Committee.
- 17 Q And did he spend a lot of his time and effort on issues
- pertaining to the Feoffees?
- 19 A Oh, sure.
- 20 Q How do you know that?
- 21 A He talked about it, frequently, and told us about the
- time he had spent or told us about things he had
- 23 researched or ----
- Q Did he send you documents pertaining to the Feoffees?

- 1 A He'd send us big packets, yes.
- 2 Q He sent you what, did you say?
- 3 A Big packets of information, but please don't tell him,
- 4 that I generally didn't read.
- 5 Q Why didn't you read them?
- 6 A It was just too much time, and I probably needed glasses,
- 7 which would have helped.
- 8 Q At some time, did you learn about an issue pertaining to
- 9 the possible sale of Little Neck?
- 10 A Yes.
- 11 Q How did you learn about the possible sale of Little Neck?
- 12 A I don't remember, specifically.
- 13 Q Did the subject of Little Neck come before the School
- 14 Committee while you were on the School Committee?
- 15 A Yes.
- 16 Q Do you remember when it came before the School Committee?
- 17 A No.
- 18 Q Do you remember who presented it to the School Committee?
- 19 A No.
- 20 Q Do you remember why the issue of possible sale of Little
- Neck was presented to the School Committee?
- 22 A Vaguely.
- 23 Q What was your understanding?
- 24 A That it would solve the litigation between the tenants

- 1 and the Feoffees.
- 2 Q You understood that, at some time, while you were a
- 3 School Committee member, the cottage owners brought a
- 4 lawsuit against the Feoffees; correct?
- 5 A Yes.
- 6 Q Did you ever see a copy of that lawsuit?
- 7 A I don't believe so.
- 8 Q And did you understand that the cottage owners were
- 9 making a number of claims against the Feoffees?
- 10 A Yes, I guess so.
- 11 Q What did you understand those claims to be?
- 12 A Claims against the rents and the management, basically.
- I'm sure there was more, but I don't remember.
- 14 Q And what do you understand the cottage owners' claims
- were with respect to the management?
- 16 A I don't remember.
- 17 Q What did you understand the cottage owners' claims were
- 18 regarding rents?
- 19 A They were too much.
- 20 Q While you were a School Committee member, did you learn
- 21 how much money the Feoffees were charging in rents to the
- cottage owners?
- 23 A Probably.
- 24 Q Did you understand that the Feoffees were increasing the

- 1 rents on an annual basis?
- 2 A I don't remember.
- 3 Q Do you remember the cottage owners becoming unhappy with
- 4 rents that were being charged or sought to be charged by
- 5 the Feoffees?
- 6 A Yes.
- 7 Q And the cottage owners filed a lawsuit, among other
- 8 things, for the increased rent?
- 9 A Right.
- 10 Q Are you aware of the School Committee ever making a
- demand on the Feoffees to increase the rents charged to
- 12 cottage owners?
- 13 A I don't remember.
- 14 Q Are you aware of the School Committee requesting that the
- Feoffees increase the rents charged to the cottage
- 16 owners?
- 17 A I think it was before my time on the School Committee.
- 18 Q Do you recall any discussion, while you were on the
- School Committee, about requesting that the Feoffees
- increase the rents charged to the cottage owners?
- 21 A Not specifically. I know they -- I remember that
- happening, yes.
- 23 Q Do you recall the Feoffees, through their counsel,
- appearing before the School Committee and keeping the

- 1 School Committee apprised of what was going on in the
- 2 litigation?
- 3 A Yes.
- 4 Q And do you recall the Feoffees, through their counsel,
- 5 explaining to the School Committee what the Feoffees were
- 6 seeking by way of rents?
- 7 A Yes.
- 8 Q And do you recall the School Committee's approval of the
- 9 rents being requested by the Feoffees?
- MS. BREWER: Objection. Go ahead and answer.
- 11 Sorry.
- 12 THE WITNESS: Okay.
- 13 A What was the question?
- 14 Q Sure. Do you recall, in response to the Feoffees
- advising the School Committee of the rents that the
- 16 Feoffees were proposing to charge, do you recall the
- School Committee approving of the proposed rents?
- MS. BREWER: Objection.
- 19 A I don't remember.
- 20 Q Do you remember the School Committee disapproving?
- 21 A I don't remember.
- 22 Q Do you recall the Feoffees, through their counsel,
- informing the School Committee that as a result of the
- litigation that had been brought by the cottage owners,

- 1 that there would likely be no distributions to the
- 2 schools while litigation was pending?
- 3 A Oh, yes.
- 4 Q And do you recall the School Committee responding in
- 5 words to the effect that the School Committee understood
- 6 that there would be no distributions while that
- 7 litigation was pending?
- 8 MS. BREWER: Objection.
- 9 A Yes.
- 10 Q And at some point in time, there was brought to the
- 11 School Committee the possibility of the sale of Little
- Neck in order to solve the litigation; is that fair to
- 13 say?
- 14 A Will you repeat that?
- 15 Q Sure. At some point in time, the Feoffees brought to the
- School Committee the possibility of the sale of Little
- Neck in order to solve that litigation?
- 18 A Yes.
- 19 Q Now, I understand from a conversation off the record,
- that you're working with some new glasses. So, to the
- 21 extent you need some extra time to review these
- documents, please feel free to take that time.
- My first question to you -- and what I've put
- 24 before you are three documents. We have marked them at a

- 1 prior deposition as Korb Exhibit Numbers Six, Seven and
- eight. That's just for purposes of the record being
- 3 clear.
- 4 My first question to you, is -- with respect to
- 5 those documents, is, without reading the document that
- 6 has been marked as minutes of the executive session of
- 7 the School Committee of October 16, 2008, do you -- which
- is Korb Number Six -- do you have an independent memory
- 9 of what happened at the School Committee on October 16,
- 10 2008?
- 11 A No.
- 12 Q Would you please take a look at those minutes, that have
- been marked as Korb Number Six, and see if it refreshes
- 14 your memory as to what transpired on that date? And take
- 15 whatever time you need.
- 16 A This isn't my glasses, I'm just saying.
- 17 Q Have you had a chance to review Korb Number Six?
- 18 A Yes.
- 19 Q Is it fair to say that Korb Number Six is a portion of
- the minutes of an executive session of the School
- Committee meeting held on October 16, 2008?
- 22 A Yes.
- 23 Q Now, without having looked at those minutes, you don't
- have any independent memory of what happened on that

- 1 date?
- 2 A Correct.
- 3 Q Having looked at the document, Korb Number Six, does that
- 4 refresh your recollection as to what happened on
- 5 October 16, 2008?
- 6 A Vaguely.
- 7 Q Do you have any reason to believe that the minutes, as
- 8 recorded, are not accurate?
- 9 A No.
- 10 Q Is it fair to say that at some point in time, shortly
- after October 16, 2008, you received, in those packets
- that you talked about earlier, proposed meeting minutes
- and you reviewed the minutes for accuracy?
- 14 A Yes.
- 15 Q And then voted, along with your other School Committee
- members, to approve the minutes of prior meetings?
- 17 A I don't know if I was at the meeting when they were voted
- 18 on.
- 19 Q That was generally what happened?
- 20 A Generally what happened.
- 21 Q Now, do you see at the top of Korb Number Six, the
- phraseology, amended at November 6, 2008, School
- 23 Committee meeting?
- 24 A Yes.

- 1 Q What does that mean?
- 2 A It means that at the November sixth School Committee,
- 3 when it's read, somebody had something that they wanted
- 4 changed in there, that didn't accurately reflect, and it
- 5 was changed and voted on.
- 6 Q So, the version that we have today is the version that
- 7 was changed and then acted upon after the change?
- 8 A Yes, that's what that would say to me.
- 9 Q Now, you are recorded as having asked a question about
- the Feoffees' current holdings, that was the phrase
- that's in the minutes.
- 12 Did you see that?
- 13 A The current holdings, what they were holding in escrow.
- 14 Q Is that -- and you've anticipated my question.
- Is that what you meant by current holdings?
- 16 A Yes.
- 17 Q What did you understand about the escrow?
- 18 A The escrow was the money -- the difference between the
- rent the tenants were paying and the rent that they were,
- the Feoffees were charging them, was being held in an
- 21 escrow account.
- 22 Q And what were you told that evening, about what would
- happen with those holdings?
- 24 A They would become part of the purchase monies.

- 1 Q And you understood that there was a purchase price being
- talked of twenty-six and a half million dollars?
- 3 A Yes.
- 4 Q You didn't understand that there would be twenty-six and
- 5 a half million dollars plus that escrow money, did you?
- 6 A No.
- 7 Q You understood that the twenty-six and a half million
- 8 dollars was inclusive of whatever escrow money might be
- 9 there?
- 10 A Right. From the answer that I was given, yes.
- 11 Q Now, there was a vote to explore the option of sale;
- 12 correct?
- 13 A That day.
- 14 Q Yes.
- 15 A Yes.
- 16 Q And you voted against exploring the option of sale?
- 17 A Yes.
- 18 Q Why?
- MS. BREWER: Objection.
- 20 A I was against selling Little Neck.
- 21 Q You were, at that time?
- 22 A For any reason.
- 23 Q I'm sorry?
- 24 A For any reason.

- 1 Q Now, the chair of the School Committee at that time, Joan
- 2 Arsenault, appointed a working group to further explore
- 3 the issue of sale; correct?
- 4 You have to say yes or no.
- 5 A Yes. Sorry.
- 6 Q Thanks. And because even though you were opposed, the
- 7 motion to explore did pass?
- 8 A Yes.
- 9 Q And did you volunteer for the working group or were you
- appointed by Ms. Arsenault without your volunteering?
- 11 A I don't believe I volunteered.
- 12 Q You didn't object, however, to being on the working
- 13 group?
- 14 A I did, after. I did not, at the meeting, but I never
- served on the working group.
- 16 O Take a look at Korb Number Seven?
- 17 A Okay.
- 18 Q Do you recognize Korb Number Seven as being minutes of a
- working group?
- 20 A Maybe I did. All right, then.
- 21 Q And that's all right. We're going back a number of
- years, so don't feel badly about that.
- Now, my first question with respect to Exhibit
- Number Seven is, although it refers to a working group of

- the Feoffees, this is really not a working group of the
- 2 Feoffees; it was a working group of the School Committee
- on the subject of the Feoffees; is that correct?
- 4 A Yes.
- 5 Q Now, I'm going to give you an opportunity to take a look
- at Korb Number Seven, and take whatever time you need?
- 7 A Wow, I have no memory of this meeting.
- MS. BREWER: While she's reading that, can we
- 9 go off the record?
- MR. SHEEHAN: Sure.
- 11 (Off the record discussion)
- 12 Q You've had a chance to review Korb Number Seven?
- 13 A Yes.
- 14 Q Does this refresh your memory that you were on the
- working committee?
- 16 A Yes, I quess so.
- 17 Q Obviously, not the most important office you've ever held
- on the School Committee?
- 19 A Yes, apparently.
- 20 Q And you understood that as part of the working group,
- your job was to do some fact-finding?
- 22 A Yes.
- 23 Q And in the words that are contained somewhere in here, to
- do some due diligence on whether or not there should be a

- 1 sale?
- 2 A Yes.
- 3 Q Did you do fact-finding?
- 4 A Since I don't even remember being on the committee, I
- 5 have no idea.
- 6 Q Did you take your role as a member of the working group
- 7 seriously?
- 8 A I must have.
- 9 Q And did you understand that the working group was going
- to make a recommendation to the full committee as to
- 11 whether or not to support sale?
- 12 A I don't remember.
- 13 Q Do you recall this meeting, on November 11, 2008?
- 14 A I remember a minute part of this meeting.
- 15 Q What part do you remember?
- 16 A The discussion about the price.
- 17 Q What information did you receive about the price?
- 18 A The amount and, it seems to me, that's the meeting and
- this is the one little thing I remember, there was a
- 20 paper handed out that was then given back to the
- 21 Feoffees' attorney at the end of the meeting, and I don't
- remember what the paper was, but it was something to do
- with the price.
- 24 Q Did that paper purport to show what the likely net

- 1 proceeds would be from the sale?
- 2 A I don't remember.
- 3 Q Do you see, on Korb Number Seven, on the second page,
- 4 about two-thirds of the way down, final issue discussed,
- 5 the sale?
- 6 A Yes.
- 7 Q And you see that, according to the minutes, anyway, what
- 8 was discussed was a cash sale of twenty-six and a half
- 9 million dollars?
- 10 A Yes.
- 11 Q With six and a half million dollars being used to pay for
- the sewer, leaving twenty million dollars to the schools?
- 13 A Yes.
- 14 Q Your best memory is the paper that you're referring, is a
- paper that showed that mathematical calculation showing
- about twenty million dollars net?
- MS. BREWER: Objection.
- 18 A I don't remember what the paper said.
- 19 Q As of the end of the meeting of November 11, 2008, were
- you, individually, seeking any more information about the
- 21 proposed sale?
- 22 A No.
- 23 Q Did you feel as though you had enough information on
- 24 which to make a decision?

- 1 A I don't remember.
- 2 Q Do you recall having the School Committee's attorney,
- 3 Richard Allen, present at that meeting?
- 4 A I don't remember.
- 5 Q Have you exhausted your memory as to what happened on
- 6 November 11, 2008?
- 7 A Yes.
- 8 Q Now, I want you to take a look at Korb Number Eight.
- 9 Without yet reading all of Korb Number Eight, do you
- 10 recognize Korb Number Eight as a portion of the minutes
- of a meeting in executive session of the Ipswich School
- 12 Committee on November 20, 2008?
- 13 A That's what it says it is.
- 14 Q Would you please take your time and read -- strike that.
- Do you have an independent memory of what
- transpired at the executive session on November 20, 2008?
- 17 A No.
- 18 Q Would you take your time and read Korb Number Eight to
- 19 yourself?
- 20 A Yes.
- 21 Q You've had a chance to look at Korb Number Eight?
- 22 A Yes.
- 23 Q Does it refresh your memory as to what transpired at an
- executive session of the School Committee on November 20,

- 1 2008?
- 2 A Vaguely.
- 3 Q I want to direct your attention to the top of the third
- 4 page of Korb Number Eight, and the page is numbered
- 5 number eight?
- 6 A Okay.
- 7 Q The minutes recite as follows. And I quote, "Mrs. Ross
- 8 wondered if the tenants walk, would it be putting the
- 9 beneficiaries in a better light for raised rents, and
- said she couldn't support the sale at this point", end
- 11 quotes.
- 12 Did I read that accurately?
- 13 A Yes.
- 14 Q What did you mean -- strike that.
- Did you say words to that effect?
- 16 A I don't remember.
- 17 Q Looking at the minutes, can you tell me what was in your
- mind regarding the tenants walking and the beneficiaries
- being put in a better light?
- 20 A I don't remember.
- 21 Q Do you remember what you were referring to when you said
- words to the effect, the tenants walking?
- 23 A If they walked away from the sale or the agreement.
- 24 Q Did you understand, on November 20, 2008, that it was the

- tenants' desire to purchase?
- 2 A Yes.
- 3 Q Now, you said that you couldn't support sale at that
- 4 point; correct?
- 5 A I don't remember.
- 6 Q Well, in any event, you voted in opposition to the sale
- 7 at that time?
- 8 A Yes.
- 9 Q Why?
- MS. BREWER: Objection.
- 11 A Because I had always been opposed to the sale.
- 12 Q Why were you opposed to the sale?
- MS. BREWER: Objection.
- 14 A I was opposed to the sale because money is fluid and land
- is not. I thought that it was a big danger of selling
- the land and turning it into money.
- 17 Q What would that danger or dangers be?
- 18 A The money would be spent. The land, over time,
- naturally, the value increases over a long period of
- 20 time. Money stays the same. Interest rates go up and
- down. Investing money is a much bigger risk than, you
- 22 know, owning land. In my opinion.
- 23 Q Anything else?
- 24 A No.

- 1 Q And there was discussion about making sure that the --
- 2 strike that.
- 3 You understood that from the proposed sale
- 4 there would be an endowment fund created; is that right?
- 5 A No.
- 6 Q Did you understand that a fund would be created from the
- 7 sale?
- 8 A The money would be invested, somehow. How, had not been
- 9 decided.
- 10 Q And did you understand that the sales proceeds would not,
- themselves, be touched, as opposed to interest on the
- money from the sale being touched?
- MS. BREWER: Objection.
- 14 A I understood that was what was said.
- 15 Q You weren't so sure that was going to happen?
- 16 A Exactly.
- 17 Q And you say that investing dollars is a bigger risk than
- investing in land?
- 19 A No, we already owned the land.
- 20 Q And why did you think investing dollars would have a
- bigger risk than continuing to own the land?
- MS. BREWER: Objection.
- 23 A The land will always be there. The dollars can
- 24 disappear.

- 1 Q And how would dollars disappear?
- 2 A Bad investments, changes in the market. If the real
- 3 estate market changes, the land still exists. It has the
- 4 opportunity to increase in value, and money can be lost.
- 5 Q You understood that the value of land could go up or
- 6 down, as well?
- 7 A Yes.
- 8 Q At least, you were comfortable that the land would
- 9 continue to be something you could see and stay in
- 10 existence?
- 11 A If you buy stock -- if you invest ten thousand dollars in
- stock, and that stock goes kaput, you lose your ten
- thousand dollars. If you invest your ten thousand
- dollars in land, the land is all still physically going
- to be there and some day, be able to regain its value.
- 16 Q Now, are you aware of an erosion problem at Little Neck?
- 17 A Vaguely.
- 18 Q What do you understand to be the erosion problem at
- 19 Little Neck?
- 20 A That -- I don't really understand it very much, just that
- there's sand washing away at the beach.
- 22 Q Is it your understanding that the only erosion issues at
- 23 Little Neck pertain to the beach?
- 24 A That is what I heard from it. I really don't know.

- 1 Q Now, some time after November 20, 2008, did the subject
- of sale come back before the School Committee?
- 3 A I don't know.
- 4 Q There was a motion on November 20, 2008, and the motion
- 5 to authorize the sale did pass?
- 6 A Okay. So, I don't know if it came back, again.
- 7 Q Let me show you what's been marked as Hopping Number One.
- And do you recognize that document to be
- 9 minutes of a meeting of the School Committee in executive
- 10 session on March 19, 2009?
- 11 A That's what it says, yes.
- 12 Q You were still on the School Committee at that time?
- 13 A Yes.
- 14 Q Do you have an independent memory of what transpired at
- the meeting on March 19, 2009?
- 16 A No.
- 17 Q Please read to yourself, and take as much time as you
- 18 need, Hopping Number One.
- Does that refresh your memory as to what
- happened on March 19, 2009?
- 21 A Yes.
- 22 Q Tell us what happened on March 19, 2009?
- 23 A The attorney for the Feoffees came before us and
- 24 presented a proposal to create condominium units out of

- 1 the parcels at Little Neck. There was discussion,
- 2 questions and I -- I see from this, and I do remember, I
- 3 actually voted for it.
- 4 Q Now, prior to March 19, 2009, had you had any dealings
- 5 with condominiums?
- 6 A Yes.
- 7 Q You understood what a condominium was from your training
- 8 as a licensed sales person?
- 9 A Yes.
- 10 Q And had you bought and sold, as a sales person -- strike
- 11 that.
- 12 Had you represented ----
- 13 A Listed ----
- 14 Q ---- persons who bought and sold condominium units?
- 15 A Yes.
- 16 Q You understand and understood then, that a condominium is
- a form of ownership of real estate?
- 18 A Yes.
- 19 Q And in order to create a condominium, the creator has to
- own both land and buildings?
- 21 A Yes.
- 22 Q And you understood on March 19, 2009, the land of Little
- Neck was owned by the Feoffees; is that right?
- 24 A Yes.

- 1 Q But the cottages were owned by the cottage owners?
- 2 A Yes.
- 3 Q And you understood that in order to create a condominium,
- 4 there would have to be a combination of the land and the
- 5 cottages?
- 6 A Yes.
- 7 Q And that the March 19, 2009, meeting dealt with a
- 8 proposal, whereby, that was going to be done?
- 9 A Yes.
- 10 Q By way of a combination of the efforts of the Feoffees
- and the cottage owners?
- 12 A Yes.
- 13 Q And the question for the School Committee on March 19,
- 2009, was whether they were, generally, in approval of
- 15 such a concept?
- MS. BREWER: Objection.
- 17 A Yes.
- 18 Q And you understood, at that time, that the proposed price
- was still twenty-six and a half million dollars?
- 20 A Yes.
- 21 Q And your attorney, Attorney Allen, was present at that
- 22 meeting by speaker phone?
- 23 A Yes.
- 24 Q So, he was available to answer any questions that the

- 1 School Committee members might have?
- 2 A Right.
- 3 Q Do you recall, on March 19, 2009, Attorney Allen being in
- 4 favor of this condominium approach?
- 5 A I don't remember.
- 6 Q In any event, there was a lengthy discussion about this
- 7 whole concept; was there not?
- 8 A Yes.
- 9 Q And as a result of that discussion, it's fair to say that
- 10 everyone, all seven members of the School Committee, were
- in favor of such an approach to sale?
- MS. BREWER: Objection.
- 13 A They all voted for it, yes.
- 14 Q Including you?
- 15 A Yes.
- 16 Q Now, why did you vote in the affirmative on March 19,
- 2009, after you had voted in the negative on November 20,
- 18 2008?
- MS. BREWER: Objection.
- 20 A Because the School Committee had -- it was clear that the
- land was going to sell, that the School Committee was in
- favor of selling the land. So, I was in the minority,
- and at that point, it -- I wasn't voting so much about --
- I vocalized and made my position known about selling the

- 1 land. From there, if there was a way to make it work,
- quickly, because all this money is just being held up
- 3 everywhere, and the schools aren't getting anything, that
- 4 seemed like the logical solution to me, given that it was
- 5 going to sell.
- 6 Q And the subject of sale came before the School Committee
- 7 at least one more time while you were still a member.
- 8 Do you recall that?
- 9 A No.
- 10 Q Let me show you what's been marked as Korb Number Eleven.
- My first question is, do you have an independent memory
- of what transpired at the School Committee meeting in
- executive session on May 7, 2009?
- 14 A No.
- 15 Q It's fair to say that the document I've just handed to
- 16 you, Korb Number Eleven, are minutes; that document
- 17 contains minutes of that executive session meeting?
- 18 A Yes.
- 19 Q And in order to potentially refresh your recollection,
- you need time to read Korb Number Eleven; correct?
- 21 A Yes.
- 22 Q All right. Please do so, and take whatever time you
- 23 need.
- Now, does that refresh -- does Korb Number

- 1 Eleven refresh your memory as to what transpired on
- 2 May 7, 2009?
- 3 A Vaguely.
- 4 Q There was talk, on May 7, 2009, about another potential
- 5 methodology for sale, something different from a
- 6 condominium, and that different methodology involved a
- 7 so-called approval-not-required plan?
- 8 A Yes.
- 9 Q Did you know, on May 7, 2009, what an approval, not
- 10 required plan was?
- 11 A Absolutely.
- 12 Q What was it -- what is it?
- 13 A It's a plan presented to the Planning Board saying that
- you have a lot that you can build on, that doesn't need
- approval. It just needs the signature. You don't need
- to do any subdivision or you don't need to do anything to
- the land. You've not subdividing it or anything. You
- have your frontage.
- Is that detailed enough?
- 20 Q That's fine.
- 21 A Okay.
- 22 Q And you understood, on May 7, 2009, that the goal
- remained to net twenty million dollars from the sale of
- 24 Little Neck?

- 1 A Yes.
- 2 Q And you were in favor, on May 7, 2009, of such a sale
- 3 methodology?
- 4 A Yes.
- 5 Q May 7, 2009, might have been the last meeting you had as
- a School Committee member?
- 7 A It was. Oh, no, there was one more, Town Meeting.
- 8 Q I'm sorry?
- 9 A There was one more, Town Meeting.
- 10 Q Okay.
- 11 A But yes.
- 12 Q In any event, was May 7, 2009, the last time that you
- voted on the issue of sale of Little Neck?
- 14 A As a School Committee member?
- 15 Q Yes.
- 16 A I believe so. I don't remember.
- 17 Q Have you voted on the issue of sale of Little Neck in
- some capacity other than as a School Committee member?
- 19 A I believe, it was brought before Town Meeting after that.
- 20 Q What was brought before town meeting after that?
- 21 A I don't remember.
- 22 Q Was the question of whether or not to sell Little Neck
- ever submitted to Town Meeting?
- 24 A I'm picturing you standing up there. I don't remember.

- 1 Q You remember some issue pertaining to the Feoffees coming
- before Town Meeting?
- 3 A Yes.
- 4 Q But you can't remember what it was?
- 5 A No.
- 6 Q Have you served on any Ipswich boards or committees other
- 7 than the Ipswich School Committee?
- 8 A You mean, not as a member of the School Committee?
- 9 Q You're referring to the Tri-Board?
- 10 A No, I'm referring to, like, the Town Manager's Search
- 11 Committee, for example, that I was a representative of
- 12 the School Committee.
- 13 Q I am interested in other boards or committees. So, the
- 14 Town Manager Search Committee was a committee you served
- 15 on?
- 16 A And, actually, the Town, maybe, Treasurer/Collector.
- 17 O A search committee?
- 18 A Yes, and there were others. I can't remember them.
- 19 Q Did you ever serve on the Finance Committee?
- 20 A No.
- 21 Q Did you ever serve as a Selectman?
- 22 A No.
- 23 Q Were you involved in any discussion or debate over the
- trust being reformed?

- 1 A Oh, yes.
- 2 $\,$ Q $\,$ And did you have a particular viewpoint on whether the
- 3 trust should be reformed?
- 4 A Yes.
- 5 Q What was your view as to reformation or potential
- 6 reformation of the trust?
- 7 MS. BREWER: Objection.
- 8 A It needed to be rewritten.
- 9 Q And why do you say that?
- MS. BREWER: Objection.
- 11 A Because it, obviously, wasn't working the way it was or
- we wouldn't have been -- we wouldn't be here, right now.
- We wouldn't be in this predicament.
- 14 Q You mean, there wouldn't have been ----
- 15 A There wouldn't be lawsuits going on.
- 16 Q Why do you think there wouldn't be a lawsuit between the
- Feoffees and the cottage owners, if there were different
- 18 Feoffees?
- MS. BREWER: Objection.
- 20 A I don't know. It would be -- that's not what I said.
- 21 Q I didn't mean to put words in your mouth.
- What did you mean? I, obviously, misunderstood
- what you meant.
- 24 A All I meant was that there were issues that needed to be

- solved and things weren't working the way they were. So,
- the trust that was written in the sixteen hundreds is not
- 3 viable in -- is not -- no longer working in the twentieth
- 4 century, which it was, then.
- 5 O And so ----
- 6 A Maybe it wasn't ----
- 7 Q Was there discussion about how to change the trust?
- 8 A Yes.
- 9 Q There was a discussion about changing the way trustees
- were appointed?
- 11 A Yes.
- 12 Q Were you in favor of changing the way trustees were
- 13 appointed?
- MS. BREWER: Objection.
- 15 A Yes.
- 16 Q Now, you were aware during this time of discussion, that
- there were seven Feoffees?
- 18 A I'm not sure, in the beginning.
- 19 Q Do you know how many Feoffees there were?
- 20 A No. In the beginning, no.
- 21 Q When you say, in the beginning, at the beginning of the
- discussion of ----
- 23 A When I started on the School Committee and those
- discussions came up, I did not know.

- 1 Q At some time, while you were a School Committee member,
- did you learn that there were seven Feoffees?
- 3 A Yes.
- 4 Q And did you learn that four of those Feoffees were so-
- 5 called Life Feoffees?
- 6 A Yes.
- 7 Q And did you learn that three of the Feoffees were so-
- 8 called Selectmen Feoffees?
- 9 A Yes.
- 10 Q Now, in the course of your review of the potential
- changes in the trust, did you favor keeping Selectmen
- 12 Feoffees?
- MS. BREWER: Objection.
- 14 A Not the way it was set up, no.
- 15 Q Did you favor keeping Life Feoffees?
- MS. BREWER: Objection.
- 17 A No.
- 18 Q What was your personal opinion as to how the appointments
- to serve as Feoffees should be made?
- MS. BREWER: Objection.
- 21 A At the time it first came up for discussion?
- 22 Q Or at any time thereafter?
- 23 A I agreed with what was proposed to be changed, and I
- 24 believe what was proposed was two members from the

- 1 Finance Committee -- I mean, two members appointed by the
- 2 School Committee, two members appointed with -- by the
- 3 Selectmen, and three members appointed by the Finance
- 4 Committee, and I actually made the suggestion, which was
- 5 voted and passed, to make one of the members appointed at
- 6 Town Meeting.
- 7 Q Leaving two appointments for the Finance Committee?
- 8 A Yes.
- 9 Q And that was your own opinion as to how the Feoffees
- should be determined?
- 11 A Yes.
- 12 Q Now, as a member of the School Committee, were you ever
- involved in budget discussions?
- 14 A Yes.
- 15 Q Did you understand that the Finance Committee and the
- Selectmen had roles insofar as the setting of the School
- 17 Committee budget?
- MS. BREWER: Objection.
- 19 A No.
- 20 Q Take me through the budget process, generally-speaking,
- for the School Committee?
- 22 A The School Committee meets -- let me think a minute. The
- 23 -- a figure, an initial figure comes out, which is based
- on figures of projected figures from the state, federal

- aid, all our projected aid, and income from the town.
- 2 Usually, that's split sixty/forty. They go through this
- 3 whole paperwork thing.
- 4 Q Let me stop you for a minute. When you say a split,
- 5 sixty/forty, what do you mean?
- 6 A Usually, the schools get sixty percent of the money that
- 7 comes in. I don't know if it's still that way, but
- 8 that's how it was when I was on the committee, and the
- 9 town got forty percent of most revenues that came into
- 10 the town. We worked out budget from there.
- The Budget Subcommittee met. The principals --
- 12 the administrative team met and made their
- recommendations. We reviewed with them, and we presented
- it to the Fin. Com.
- We did not -- we -- I guess, to say the Selectmen
- had anything to do with our budget, saying our budget
- 17 really isn't true. There were times we had to work
- together with them, at bean counting, which was the final
- meeting between the three boards ----
- 20 Q When you say the three boards, which boards are those?
- 21 A Finance Committee, the Selectmen and the School
- Committee, to iron out any discrepancies. Maybe we could
- 23 cut from one side. It was a give and take between the
- School Committee -- the town and the schools, at that

- 1 point, with the Finance Committee having the final say.
- 2 Q The Finance Committee having the final say as to what?
- 3 A Who got what for money.
- 4 Q Now, were you aware of a discussion or debate about
- 5 whether monies that were distributed by the Feoffees to
- the schools should be used for enrichment or enhancement,
- 7 as opposed to being used to pay normal operating expenses
- 8 of the public schools?
- 9 A Yes.
- 10 Q Tell me about that discussion or debate?
- 11 A I guess, I don't remember any one, specifically. It was
- an ongoing discussion.
- 13 Q Tell me what the issue was?
- 14 A The issue was, the trust said that the money to be used
- for enhancement of the Ipswich Grammar Schools, and the
- School Committee's stand on that was, that was
- enhancement above and beyond the regular running of the
- schools, to add programs and enhance the schools.
- The Finance Committee's view on that was to keep
- 20 -- to spend it on the schools. It didn't -- their
- 21 definition of enhancement was a bit different, I think.
- 22 Q And where did the Selectmen come down on that discussion
- or debate, if anywhere?
- 24 A I have no idea.

- 1 Q Now, the School Committee budget would, ultimately, go
- before Town Meeting; correct?
- 3 A Yes.
- 4 Q To be approved?
- 5 MS. BREWER: Objection.
- 6 A Yes.
- 7 Q Or not approved?
- 8 A The vote, yes.
- 9 Q And the budget would appear on a warrant article for the
- 10 annual meeting?
- 11 A Yes.
- 12 O The warrant article would contain recommendations of
- different boards and committees; correct?
- 14 A Correct.
- 15 Q Did the Finance Committee make a recommendation as to the
- 16 School Committee budget?
- 17 A Yes.
- 18 Q Did the Selectmen make a recommendation as to the School
- 19 Committee budget?
- 20 A Yes.
- 21 Q And did the School Committee make a recommendation as to
- the School Committee budget?
- 23 A Yes.
- 24 Q And in your experience, is it fair to say that the School

- 1 Committee would line up on one side and the Selectmen and
- the Finance Committee would line up on the other side?
- MS. BREWER: Objection.
- 4 A No.
- 5 Q Going back to the Superior Court lawsuit brought by the
- 6 cottage owners against the Feoffees, did you ever study
- 7 that lawsuit to determine the merits or lack of merits of
- 8 the claims by the cottage owners?
- 9 A No.
- 10 Q Are you aware of any wrongdoing committed by any Life
- 11 Feoffees in their handling of the property at Little
- 12 Neck?
- 13 A No.
- 14 Q Are you aware of any hostility held by any Life Feoffees
- towards the Ipswich Public Schools?
- 16 A No.
- 17 Q Are you aware of the Life Feoffees acting out of any
- selfish motives with respect to their handling of Little
- 19 Neck?
- 20 A Factually, no.
- 21 Q Are you aware that at one time, Donald Wiston's family
- 22 owned a cottage at Little Neck?
- 23 A Now that you mention it, yes.
- 24 Q You know Donald Wiston to be one of the Life Feoffees?

- 1 A Yes.
- 2 Q Do you contend or did you ever contend that rents were
- 3 kept low at Little Neck in order to benefit Mr. Wiston's
- 4 family?
- 5 A I never thought about it.
- 6 Q Are you aware that at one time, the family of Jim Foley
- 7 owned a cottage at Little Neck?
- 8 A Yes.
- 9 Q And you knew Jim Foley to be a Feoffee?
- 10 A Yes.
- 11 Q Do you contend or did you ever contend that the rents at
- 12 Little Neck were kept low by the Feoffees so as to
- benefit the family of Jim Foley?
- 14 A No.
- 15 Q Now, there has been a debate that you're aware of as to
- the contributions or distributions made by the Feoffees
- to the School Committee over time; are you aware of that
- 18 controversy?
- 19 A I'm not sure exactly what, in particular, you're talking
- about.
- Q Well, from 2003, when you first began on the School
- Committee, until 2006, every year, the Feoffees
- distributed monies to the public schools; correct?
- 24 A No.

- 1 Q What year or years during the period of 2003 to 2006, did
- 2 the Feoffees not distribute monies to the public schools?
- 3 A I don't know, but I know it wasn't every year.
- 4 Q From 2003 to 2006, you don't believe there was a
- 5 distribution made every year?
- 6 A Oh, maybe. I'm sorry. I was thinking 2009. You said
- 7 2006. So, I was thinking my whole term. I really don't
- 8 know.
- 9 Q Have you ever looked into what distributions, if any,
- have been made by the Feoffees during the time period
- prior to your becoming a School Committee member?
- 12 A We were given a sheet, at one time, with all the
- distributions on it.
- 14 Q Given a sheet by whom?
- 15 A It was a handout, a School Committee handout at some
- point.
- 17 Q Do you know who generated that handout?
- 18 A I think it was requested by the School Committee. So, it
- 19 must have been -- I don't know -- the School Department.
- 20 Q Did you ever check any documents to determine whether or
- 21 not the handout was accurate?
- 22 A No.
- 23 Q Have you reviewed any appraisals that have been performed
- by one or more appraisers of the land at Little Neck?

- 1 A I don't remember.
- 2 Q Are you familiar with the terms, at least generally, of
- 3 the Zoning Bylaw in the Town of Ipswich?
- 4 A The ever-changing Zoning Bylaw?
- 5 Q Yes, the ever-changing Zoning Bylaw of Ipswich?
- 6 A Very generally, yes.
- 7 Q Do you know how it is that there are a hundred and sixty-
- 8 seven cottages on a single parcel of land at Little Neck?
- 9 A Yes. It's grand-fathered.
- 10 Q When you say grand-fathered, what do you mean?
- 11 A It predates zoning.
- 12 Q So, the cottages on Little Neck would constitute what's
- called a prior non-conforming use of prior non-conforming
- 14 structures?
- MS. BREWER: Objection.
- 16 Q You're not familiar with that phrase?
- 17 A That -- no, I'm very familiar with that phrase, but I'm
- not an expert. I'm not the Zoning Board, to say whether
- that is or isn't. I think, that's a -- as they stand
- right now, yes, I would say they are.
- 21 Q They're prior non-conforming structures?
- 22 A Yes.
- 23 Q How many of those cottages are used for year-round
- 24 residents?

- 1 A I don't remember the exact number.
- 2 Q Was there ever a discussion amongst the School Committee
- members about not increasing the number of year-round
- 4 residences at Little Neck?
- 5 A Yes. It's in the notes, the minutes of one of those
- 6 meetings, that we had discussed it.
- 7 Q Tell me about that discussion, as best you can recall?
- 8 A I don't remember.
- 9 Q Did the School Committee ever instruct the Feoffees not
- 10 to increase the number of year-round residences at Little
- 11 Neck?
- 12 A I don't remember.
- 13 Q Let me show you this document.
- 14 Do you recognize that as the notice of your
- deposition, which brings you here today?
- 16 A Yes.
- MR. SHEEHAN: Could we have that marked,
- 18 please, as Exhibit One?
- 19 (Exhibit No. 1, marked; Notice of Taking
- Deposition of Dianne A. Ross.)
- 21 Q Now, that notice of deposition asks you to review your
- files for documents that are identified in Exhibit Number
- 23 One?
- 24 Yes?

- 1 A Yes. I'm sorry.
- 2 Q And did you make such an investigation?
- 3 A I did.
- 4 Q Do you have any documents described in what we've marked
- 5 as Exhibit Number One?
- 6 A I do not.
- 7 Q Those thick packages you got from Mr. Traverso, you
- 8 didn't maintain them?
- 9 A For a year, and then it all went out in recycling, and I
- 10 even went through again -- nothing.
- 11 Q I'm sorry?
- 12 A I went through again, a couple days ago. Nothing left.
- 13 Q Well, Ms. Ross, I have no further questions.
- I want to thank you for taking time out and
- 15 coming in here, this morning.
- 16 Attorney Brewer has the opportunity to inquire.
- MS. BREWER: Thank you.
- I have no questions at this time.
- MR. SHEEHAN: Very good. We're off the record
- and done.
- 21 (Whereupon, at 12:00 P.M., the deposition
- concluded.)

23

24

1	SIGNATURE PAGE FOR DEPONENT
2	
3	I, Dianne A. Ross, do hereby certify that I
4	have read the foregoing and that to the best of my
5	knowledge said deposition is true and accurate (with the
6	exception of the following desired changes listed below):
7	PAGE LINE CHANGE
8	
9	
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15	
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17	
18	
19	Signed under the pains and penalties of perjury,
20	this, 2011.
21	
22	
23	
24	Deponent's Signature

CERTIFICATE

I, Brenda M. Nadeau, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing record, Pages 1 to 53, inclusive, is a true and accurate transcript of my System Tapes to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand and Notarial Seal this eighth day of November, 2011.

Brenda M. Nadeau

Brenda (Madeau

Notary Public

My Commission expires: July 22, 2016

	DEPOSITION OF:	DI	ANN	NE A. ROSS
	SHEET 1 PAGE 1	1	PAGI	
1	No. of Pages: 54	1		4 STIPULATIONS
2	COMMONWEALTH OF MASSACHUSETTS	2		
3 4	ESSEX, SS PROBATE & FAMILY COURT DEPARIMENT	3		It is hereby stipulated and agreed by and
5	Docket No. ES09E0094QC	5		between counsel for the respective parties that all objections, except objections to the form of the
6		6		questions, and motions to strike, shall be reserved until
. 8	ALEXANDER B.C. MULHOLLAND, JR., ET AL VS	7		the time of trial.
9	ATTORNEY GENERAL OF THE	8 9		It is further stipulated and agreed that the
10	COMMONWEALTH OF MASSACHUSETTS, ET AL	10		reading and signing of the deposition transcript will take place under the pains and penalties of perjury
11 12		11		within thirty days of the receipt of said transcript or
13		12		it shall be deemed to have been read and signed.
14	DEPOSITION OF DIANNE A. ROSS, a witness	13		MO CHERTIANT. Change and the control of the control
15 16	called on behalf of the Plaintiffs, taken pursuant to	14 15		MR. SHEEHAN: There are executive session meeting minutes that have been marked at prior
17	Notice under the General Rules of Civil Procedure of the Superior Court before Brenda M. Nadeau, a Notary Public	16		depositions that I may make references to during the
18	in and for the Commonwealth of Massachusetts, at the	17		course of the deposition of Ms. Ross, and I will be
19	Offices of MacLean, Holloway, Doherty, Ardiff & Morse,	18		asking her or may be asking her questions about what
20 21	PC, Eight Essex Center Drive, Peabody, Massachusetts, on Thursday, October 27, 2011, commencing at 10:30 A.M.	19 20		transpired at executive session meetings. And counsel have agreed that we're going to keep those confidential,
22	mattery, occurr 21, 2011, childrening at 10:50 A.M.	21		until we get a court order as to what we'll do with that
23	BRENDA M. NADEAU, PCR, P.O. BOX 916, GEORGETOWN, MA 01833	22		information, and the nature of the confidentiality is
24 25	EMN 1-978-766-7145 EMN ***********************************	23		consistent with a stipulation that we marked as Exhibit
		24		Number Two at Richard Korb's deposition.
	PAGE 2	ļ	PAGE	5 5 5
1	APPEARANCES:	1		DIANNE A. ROSS, first being duly sworn, deposes
2 3	Manifold Louis Dalleding about the Monor of	2		and says as follows:
4	MacIEAN, HOLLOWAY, DOHERTY, ARDIFF & MORSE, PC William H. Sheehan, III, Esq.	3		DYDICATE ENABATEMENTAL
5	Eight Essex Center Drive	5		DIRECT EXAMINATION
6 7	Peabody, Massachusetts 01960	6	Q	(By Mr. Sheehan) Good morning. Would you please state
8	On Behalf of the Plaintiffs	7	_	your full name and spell your last name for the record?
9	CASNER & EDWARDS, LLP	8	A Q	Dianne Alice Ross, R-O-S-S. Where do you live?
10	Donna M. Brewer, Esq.	10	Ã	One Blair Drive, Ipswich, Massachusetts.
11 12	303 Congress Street Boston, Massachusetts 02210	11	Q	How long have you lived there?
13	On Behalf of the Defendants	12	A	Eighteen years.
14		13 14	Q A	Married? Yes.
15 16		15	Q	Husband's name?
17		16	A	Peter Ross.
18		17 18	Q	What does Peter do for a living?
19 20		19	A Q	He's an attorney. And your date of birth, please?
21		20	Ã	October 14, 1964.
22 23		21 22	Q A	Your educational background, starting with high school?
24		23	Q	High school, you want the schools I went to? Please.
		24	Ã	Okay. I graduated from Mill River Union High School in
	PAGE 3		PAGE	
1	INDEX	1		North Clarendon, Vermont, and I went to the University of
2		2		Vermont. I have a Bachelor of Science in Mathematics,
3	WINESS DIRECT CROSS REDIRECT RECROSS	3		spent a year abroad at the University of Nice, in France,
4 5	DIANNE A. ROSS	5	Q.	and graduated from UVM in 1987. Any formal education, beyond your Bachelor's, from the
6	(By Mr. Sheehan) 5 ** ** **	6	¥	University of Vermont?
7		7	A	Just real estate license.
8 9	EXHIBITS	8	Q A	Tell me about getting your real estate license? I took classes at Harris Real Estate School in Rowley,
10	NUMBER	10	**	in, I believe, 2000, and then, I took the test and passed
11 12	1 Notice of Taking Deposition of Dianne A. Ross 51	11	_	it the first time.
13	1 Notice of Taking Deposition of Dianne A. Ross 51	12 13	Q A	Are you a licensed real estate broker? I still am — agent, sales agent, sales person.
14		14	Q	Sales agent?
15	}	15	A	Yes.
16 17		16 17	Q	What's the difference between a licensed sales person and a licensed real estate broker?
18		18	Α	A broker has to take more classes and they are actually
19		19		— and they have to have experience as a sales person,
20 21		20 21		first. The laws just changed, but I know they have to be
22	İ	22		bonded, as well. So, they can actually open their own business, whereas, a sales person can't.
23		23	Q	Insofar as selling real estate, is there anything that
24		24		you can't do that a licensed real estate broker can do?

		DEPOSITION OF:	וִע	ANI	NE A. ROSS
	SHE	ET 2 PAGE 7	1	PAGI	E 10
1	Α	Ch, I can't escrow money.	1	A	No. 10
2	Q	You can't hold money in escrow?	2	Q	Have you ever engaged in the appraisal of real estate?
3	Ā	Right.	3	Ã	No. You have to be a licensed appraiser to do that.
4	Q	Anything else?	4	Q	Have you had any training in appraising?
5	Ã	Probably, but I don't know.	5	Ã	Appraisals specifically, no.
6	Q	Do you have a family?	6	Q	Have you ever been a member of a School Committee?
7	Α	I do.	7	Ã	Yes.
8	Q	And the names and ages of your children, please?	8	Q	Where?
9	Α	I have one son, whose name is James, and he is nineteen.	9	Α	Ipswich.
10	Q	Have you held any full time employment outside of the	10	Q	During what years were you a member of the Ipswich School.
11	_	home?	11		Committee?
12	A	When? Like, my whole life?	12	A	I knew that was coming next. It was six years.
13	Q	From 1987?	13	Q	You served for six years?
14 15	A Q	From 1987, yes.	14	Α	Yes, and my last term ended in 2009. So, I'd say, that
16	Ā	Would you tell me about your full time positions, please? I was a full time — I was a manager and a manager	15	Q	means 2003 to 2009. Two terms.
17		trainee, first, at FW Woolworth. In training, I moved,	17	v	Did you run for re-election following the ending of your term in May 2009?
18		like, five times in two years. Don't ask me where, I	18	A	No.
19		couldn't remember at this point, which is what brought me	19	Q	Why not?
20		to Ipswich, is the manager of Woolworth's. And then, I	20	Ā	My son was finishing his junior year and I wanted to have
21		went to Lechters Housewares, after my son was born. I	21		the time to spend with him his senior year.
22		was a manager there, for two or three years.	22	Q	And how was it you came to run for School Committee in
23	Q	What's the name of the company?	23		May of 2003?
24	Α	Lechters Housewares, L-E-C-H-T-E-R-S.	24	Α	I had run once before. My father was a School Board
	PAGI	E 8	1	PAGE	3 11
		8]		11
1	Q	Where is that located or where was it located?	1		member in my hometown and it was always something I
2	Α	It was. I was, actually, in Swampscott, and then I was	2		wanted to do and the timing seemed right.
3	^	at the Liberty Tree Mall. It's closed, now.	3	Q	When did you first run for election?
4	Q	How long were you with Woolworth's?	4	A	First time was — I don't remember. Whatever year Joan
5	A	I'd say, about five years.	5		was elected, the first time. Whenever she started on the
6 7	Q A	And how long were you with Lechters? About three.	6	_	committee. I don't remember.
8	Q	Did you — have you had full time employment since	8	Q A	In any event, you ran once and were not elected?
9	×	Lechters?	9	Q	Right. And some time after that, you ran for a second time and
10	Α	I opened my own day — family, licensed family day care	10	×	were elected in May of 2003?
11		business, which I did for five years, and then —	11	Α	Right.
12	Q	Where was that?	12	Q	And you served from May
13	Α	At my house.	13	A	Actually, no. It was April.
14	Q	Okay. What else?	14	Q	April of 2003, and you served continuously as a member of
15	Α	And then I went into real estate for ten years, five	15		the Tpswich School Committee from April 2003 to May 2009?
16	_	years at Vernon Martin and five years at Coldwell Banker.	16	A	Yes.
17 18	Q	Are you presently with Coldwell Banker?	17	Q	At some point in time, did you learn about a group called
19	A Q	No, I'm now a manager at Dollar Tree in Gloucester. What is Dollar Tree?	18 19	A	Feoffees of the Grammar School in the Town of Ipswich?
20	Ã	It's a retail store where everything is a dollar; really,	20	Q	Oh, sure. When did you first learn about the Feoffees?
21		is a dollar.	21	Ã	I have no idea.
22	Q	You say that's in Gloucester?	22	0	Did you know about the Feoffees before you began your
23	Ã	Yes.	23	~	service as a School Committee member?
24	Q	How long have you been there?	24	Α	Yes.
	PAGE	9		PAGE	: 12
		9			12
1	Α	In Gloucester, about a year. I've been with the company	1	Q	As of April 2003, what did you understand was the role or
2	_	a year and a half.	2	_	obligation of the Feoffees?
3	Q	While you were a licensed sales person with Vernon	3	A	They were the trustees of Little Neck.
4 5		Martin, did you sell any real estate located in Ipswich, Massachusetts?	5	Q	Did you understand that the Feoffees held title to the
6	Α	No. Ch, did I — in Ipswich, yes. I'm sorry.	6	A	real estate at Little Neck?
7	Q	Did you sell any real state that was located at Great	7	Q	Did you know who held title to the real estate at Little
8	~	Neck?	8	×	Neck?
9	Α	No.	9	A	No, I never thought about it.
10	Q	Did you sell any real estate that was located at Little	10	Q	When you say you understood that they were the trustees
11		Neck?	11		of Little Neck, what do you mean?
12	A	No.	12	Α	They — they were in control of it. Just basically, that
13	Q	Did you sell any cottages located at Little Neck?	13	_	Feoffee was an old form of trustee.
14 15	A	No. While the tent to be trith Coldinal Bankon did to the cold and	14	Q	And did you understand that the Feoffees were in control
16	Q	While you were with Coldwell Banker, did you sell any real estate in the Town of Ipswich?	15 16	7\	of Little Neck for the benefit of sameone else?
17	A	Yes.	17	A Q	Yes. To whom did you understand to be the beneficiary of the
18	Q	While you were with Coldwell Banker, did you sell any	18	¥	holding of that real estate by the Feoffees?
	~	real estate located on Great Neck?	19	Α	Ipswich Schools.
19					
20	A	I don't believe so.	20	Q	AS OF APELL 2003, flag you read any obotheries or
20 21	A Q	I don't believe so. And while you were with Coldwell Banker, did you sell any	21	Q	As of April 2003, had you read any documents or literature pertaining to the Feoffees?
20 21 22	Q	I don't believe so. And while you were with Coldwell Banker, did you sell any real estate located at Little Neck?	21 22	Q A	literature pertaining to the Feoffees? I have no idea.
20 21		I don't believe so. And while you were with Coldwell Banker, did you sell any	21	_	literature pertaining to the Feoffees?

		DEFOSITION OF:	וען		
	SHE	ET 3 PAGE 13	ļ	PAG	E 16
1		determine the organization of the Eboffees or the history	1 ,		16
2		determine the organization of the Feoffees or the history of the Feoffees?	1 2	Α	rents on an annual basis? I don't remember.
3	Α	Define documents.	3	Q	+ -
4	Q	Any papers?	4	Q	Do you remember the cottage owners becoming unhappy with rents that were being charged or sought to be charged by
5	Ã	Yes.	5		the Feoffees?
6	Q	What did you look at?	6	Α	Yes.
7	Ã	I don't remember. I know there were papers that were	1 7	Q	And the cottage owners filed a lawsuit, among other
8		given to us by — in our packets, our weekly packets as	8	×	things, for the increased rent?
ğ		School Committee, from time to time there were newspaper	9	Α	Right.
10		articles. Nothing out of what I would have received from	10	Q	_
11		either the schools or from Ed Traverso.	111	Q	Are you aware of the School Committee ever making a
12	Q	What did you get from Ed Traverso?	12		demand on the Feoffees to increase the rents charged to cottage owners?
13	Ã	I don't know.	13	Α	I don't remember.
14	Q	Who is Ed Traverso?	14	Ô	
15	Ã	He's a fellow member — he was a fellow member of the	15	Q	Are you aware of the School Committee requesting that the
16	11	School Committee.	16		Feoffees increase the rents charged to the cottage owners?
17	Q	And did he spend a lot of his time and effort on issues	17	Α	
18	2	pertaining to the Feoffees?	18		I think it was before my time on the School Committee.
19	Α	Ch, sure.	19	Q	Do you recall any discussion, while you were on the
20	Q	How do you know that?	20		School Committee, about requesting that the Feoffees
21	Ā	He talked about it, frequently, and told us about the	21	Α	increase the rents charged to the cottage owners?
22	**	time he had spent or told us about things he had	22	Α	Not specifically. I know they — I remember that
23		researched or —	23	Q	happening, yes.
24	Q	Did he send you documents pertaining to the Feoffees?	24	Q	Do you recall the Feoffees, through their counsel,
			24		appearing before the School Committee and keeping the
	PAG	E 14	İ	PAGI	E 17
	_	14			17
1	A	He'd send us big packets, yes.	1		School Committee apprised of what was going on in the
2	Q	He sent you what, did you say?	2		litigation?
3	Α	Big packets of information, but please don't tell him,	3	Α	Yes.
4	_	that I generally didn't read.	4	Q	And do you recall the Feoffees, through their counsel,
5	Q	Why didn't you read them?	5		explaining to the School Committee what the Feoffees were
6	Α	It was just too much time, and I probably needed glasses,	6		seeking by way of rents?
7	_	which would have helped.	7	Α	Yes.
8	Q	At some time, did you learn about an issue pertaining to	8	Q	And do you recall the School Committee's approval of the
9	_	the possible sale of Little Neck?	9		rents being requested by the Feoffees?
10	A	Yes.	10		MS. BRUWER: Objection. Go ahead and answer.
11	Q	How did you learn about the possible sale of Little Neck?	11		Sorry.
12	A	I don't remember, specifically.	12		THE WITNESS: Okay.
13	Q	Did the subject of Little Neck come before the School	13	Α	What was the question?
14	_	Committee while you were on the School Committee?	14	Q	Sure. Do you recall, in response to the Feoffees
15	A	Yes.	15		advising the School Committee of the rents that the
16	Q	Do you remember when it came before the School Committee?	16		Feoffees were proposing to charge, do you recall the
17	A	No.	17		School Committee approving of the proposed rents?
18	Q	Do you remember who presented it to the School Committee?	18	_	MS. EREWER: Objection.
19	A	No.	19	A	I don't remember.
20	Q	Do you remember why the issue of possible sale of Little	20	Q	Do you remember the School Committee disapproving?
21		Neck was presented to the School Committee?	21	Α	I don't remember.
22	A	Vaguely.	22	Q	Do you recall the Feoffees, through their counsel,
23 24	Q	What was your understanding?	23		informing the School Committee that as a result of the
24	A	That it would solve the litigation between the tenants	24		litigation that had been brought by the cottage owners,
	PAGE	£ 15		PAGE	3 18
_		15			18
1	_	and the Feoffees.	1		that there would likely be no distributions to the
2	Q	You understood that, at some time, while you were a	2		schools while litigation was pending?
3		School Committee member, the cottage owners brought a	3	A	Ch, yes.
4	20	lawsuit against the Feoffees; correct?	4	Q	And do you recall the School Committee responding in
5	A	Yes.	5		words to the effect that the School Committee understood
6	Q	Did you ever see a copy of that lawsuit?	6		that there would be no distributions while that
7	A	I don't believe so.	7		litigation was pending?
8	Q	And did you understand that the cottage owners were	8	_	MS. BREWER: Objection.
9 10	71	making a number of claims against the Feoffees?	9	A	Yes.
10	A	Yes, I guess so.	10	Q	And at some point in time, there was brought to the
11	Q	What did you understand those claims to be?	11		School Committee the possibility of the sale of Little
12	A	Claims against the rents and the management, basically.	12		Neck in order to solve the litigation; is that fair to
13	0	I'm sure there was more, but I don't remember.	13	~	say?
14 15	Q	And what do you understand the cottage owners' claims	14	A	Will you repeat that?
15 16	7\	were with respect to the management?	15	Q	Sure. At some point in time, the Feoffees brought to the
16 17	Α	I don't remember.	16		School Committee the possibility of the sale of Little
17 18	Q	What did you understand the oottage owners' claims were	17		Neck in order to solve that litigation?
	7\	regarding rents?	18	A	Yes.
19	A	They were too much.	19	Q	Now, I understand from a conversation off the record,
20	Q	While you were a School Committee member, did you learn	20		that you're working with some new glasses. So, to the
21 22		how much money the Feoffees were charging in rents to the	21		extent you need some extra time to review these
23	7\	cottage owners?	22		documents, please feel free to take that time.
23 24	A Q	Probably.	23		My first question to you — and what I've put
4	~	Did you understand that the Feoffees were increasing the	24		before you are three documents. We have marked them at a
		•			

		DEPOSITION OF:	ͺDΙ	AN.	NE A. ROSS
	SHE	ET 4 PAGE 19	ĺ	PAG	E 22
1 2		prior deposition as Korb Exhibit Numbers Six, Seven and eight. That's just for purposes of the record being	1 2	Q	And you understood that there was a purchase price being talked of twenty-six and a half million dollars?
3 4 5 6		clear. My first question to you, is — with respect to those documents, is, without reading the document that has been marked as minutes of the executive session of	3 4 5 6	A Q A	Yes. You didn't understand that there would be twenty-six and a half million dollars plus that escrow money, did you? No.
7 8 9		the School Committee of October 16, 2008, do you — which is Korb Number Six — do you have an independent memory of what happened at the School Committee on October 16,	7 8 9	Q	You understood that the twenty-six and a half million dollars was inclusive of whatever escrow money might be there?
10 11 12 13	A Q	2008? No. Would you please take a look at those minutes, that have been marked as Korb Number Six, and see if it refreshes	10 11 12 13	A Q A	Right. From the answer that I was given, yes. Now, there was a vote to explore the option of sale; correct? That day.
14 15 16	A	your memory as to what transpired on that date? And take whatever time you need. This isn't my glasses, I'm just saying.	14 15	Q A	Yes. Yes.
17 18 19	Q A Q	Have you had a chance to review Korb Number Six? Yes.	16 17 18	Q A Q	And you voted against exploring the option of sale? Yes. Why?
20 21	_	Is it fair to say that Korb Number Six is a portion of the minutes of an executive session of the School Committee meeting held on October 16, 2008?	19 20 21	A Q	MS. BREWER: Objection. I was against selling Little Neck. You were, at that time?
22 23 24	A Q	Yes. Now, without having looked at those minutes, you don't have any independent memory of what happened on that	22 23 24	A Q A	For any reason. I'm sorry? For any reason.
	PAG!	E 20		PAG	E 23
1 2 3	A Q	date? Correct. Having looked at the document, Korb Number Six, does that	1 2 3	Q	Now, the chair of the School Committee at that time, Joan Arsenault, appointed a working group to further explore the issue of sale; correct?
4 5 6	A	refresh your recollection as to what happened on October 16, 2008? Vaguely.	4 5 6	A Q	You have to say yes or no. Yes. Sorry. Thanks. And because even though you were apposed, the
7 8 9	Q A	Do you have any reason to believe that the minutes, as recorded, are not accurate? No.	7 8 9	A Q	motion to explore did pass? Yes. And did you volunteer for the working group or were you
10 11 12 13	Q	Is it fair to say that at some point in time, shortly after October 16, 2008, you received, in those packets that you talked about earlier, proposed meeting minutes and you reviewed the minutes for accuracy?	10 11 12 13	A Q	appointed by Ms. Arsenault without your volunteering? I don't believe I volunteered. You didn't object, however, to being on the working group?
14 15 16	A Q	Yes. And then voted, along with your other School Committee members, to approve the minutes of prior meetings?	14 15 16	A Q	I did, after. I did not, at the meeting, but I never served on the working group. Take a look at Korb Number Seven?
17 18 19	A Q	I don't know if I was at the meeting when they were voted on. That was generally what happened?	17 18 19	A Q	Okay. Do you recognize Korb Number Seven as being minutes of a working group?
20 21 22	A Q	Generally what happened. Now, do you see at the top of Korb Number Six, the phraseology, amended at November 6, 2008, School	20 21 22	A Q	Maybe I did. All right, then. And that's all right. We're going back a number of years, so don't feel badly about that.
23 24	A	Committee meeting? Yes.	23 24	PAGI	Now, my first question with respect to Exhibit Number Seven is, although it refers to a working group of E 24
1	^	21	_		24
1 2 3 4	Q A	What does that mean? It means that at the November sixth School Committee, when it's read, somebody had something that they wanted changed in there, that didn't accurately reflect, and it	1 2 3 4	A	the Feoffees, this is really not a working group of the Feoffees; it was a working group of the School Committee on the subject of the Feoffees; is that correct? Yes.
5 6 7 8	Q	was changed and voted on. So, the version that we have today is the version that was changed and then acted upon after the change?	5 6 7	Q A	Now, I'm going to give you an opportunity to take a look at Korb Number Seven, and take whatever time you need? Wow, I have no memory of this meeting.
9 10 11	A Q	Yes, that's what that would say to me. Now, you are recorded as having asked a question about the Feoffees' current holdings, that was the phrase that's in the minutes.	8 9 10 11		MS. BREWER: While she's reading that, can we go off the record? MR. SHEEHAN: Sure. (Off the record discussion)
12 13 14 15	A Q	Did you see that? The current holdings, what they were holding in escrow. Is that — and you've anticipated my question.	12 13 14	Q A Q	You've had a chance to review Korb Number Seven? Yes. Does this refresh your memory that you were on the
16 17 18	A Q A	Is that what you meant by current holdings? Yes. What did you understand about the escrow? The escrow was the money — the difference between the	15 16 17 18	A Q	working committee? Yes, I guess so. Covicusly, not the most important office you've ever held on the School Committee?
19 20 21 22	Q	rent the tenants were paying and the rent that they were, the Feoffees were charging them, was being held in an escrow account.	19 20 21	A Q	Yes, apparently. And you understood that as part of the working group, your job was to do some fact-finding?
23 24	A	And what were you told that evening, about what would happen with those holdings? They would become part of the purchase monies.	22 23 24	A Q	Yes. And in the words that are contained somewhere in here, to do some due diligence on whether or not there should be a

	DEPOSITION OF:	, DI	ANI	NE A. ROSS
SHE	EET 5 PAGE 25 25		PAG	E 28
1	sale?	1		2008?
2 A	Yes.	2	Α	Vaguely.
3 Q	Did you do fact-finding?	3	Q	I want to direct your attention to the top of the third
4 A	Since I don't even remember being on the committee, I	4		page of Korb Number Eight, and the page is numbered
5	have no idea.	5		number eight?
6 Q	Did you take your role as a member of the working group	6	Α	Okay.
7	seriously?	7	Q	The minutes recite as follows. And I quote, 'Mrs. Ross
8 A 9 Q	I must have. And did you understand that the working group was going	8 9		wondered if the tenants walk, would it be putting the
10	to make a recommendation to the full committee as to	10		beneficiaries in a better light for raised rents, and said she couldn't support the sale at this point", end
11	whether or not to support sale?	111		quotes.
12 A	I don't remember.	12		Did I read that accurately?
13 Q	Do you recall this meeting, on November 11, 2008?	13	A	Yes.
14 A	I remember a minute part of this meeting.	14	Q	What did you mean — strike that.
15 Q	What part do you remember?	15		Did you say words to that effect?
16 A	The discussion about the price.	16	A	I don't remember,
17 Q 18 A	What information did you receive about the price?	17 18	Q	Looking at the minutes, can you tell me what was in your
10 A	The amount and, it seems to me, that's the meeting and this is the one little thing I remember, there was a	19		mind regarding the tenants walking and the beneficiaries
20	paper handed out that was then given back to the	20	Α	being put in a better light? I don't remember.
21	Feoffees' attorney at the end of the meeting, and I don't	21	Q	Do you remember what you were referring to when you said
22	remember what the paper was, but it was something to do	22	×	words to the effect, the tenants walking?
23	with the price.	23	A	If they walked away from the sale or the agreement.
24 Q	Did that paper purport to show what the likely net	24	Q	Did you understand, on November 20, 2008, that it was the
PAG	E 26		PAGE	E 29
_	26	l .		29
1	proceeds would be from the sale?	1	_	tenants' desire to purchase?
2 A 3 Q	I don't remember.	2	A	Yes.
3 Q 4	Do you see, on Korb Number Seven, on the second page,	3	Q	Now, you said that you couldn't support sale at that
5	about two-thirds of the way down, final issue discussed, the sale?	5	A	point; correct? I don't remember.
6 A	Yes.	6	Q	Well, in any event, you voted in opposition to the sale
7 Q	And you see that, according to the minutes, anyway, what	7	×	at that time?
8 ~	was discussed was a cash sale of twenty-six and a half	8	Α	Yes.
9	million dollars?	9	Q	Why?
10 A	Yes.	10		MS. BREWER: Objection.
11 Q	With six and a half million dollars being used to pay for	11	Α	Because I had always been opposed to the sale.
12	the sewer, leaving twenty million dollars to the schools?	12	Q	Why were you opposed to the sale?
13 A	Yes.	13	-	MS. BREWER: Objection.
14 Q 15	Your best memory is the paper that you're referring, is a	14 15	A	I was opposed to the sale because money is fluid and land
16	paper that showed that mathematical calculation showing about twenty million dollars net?	16		is not. I thought that it was a big danger of selling
17	MS. BREWER: Objection.	17	Q	the land and turning it into money. What would that danger or dangers be?
18 A	I don't remember what the paper said.	18	Ā	The money would be spent. The land, over time,
19 Q	As of the end of the meeting of November 11, 2008, were	19		naturally, the value increases over a long period of
20	you, individually, seeking any more information about the	20		time. Money stays the same. Interest rates go up and
21	proposed sale?	21		down. Investing money is a much bigger risk than, you
22 A	No.	22	_	know, owning land. In my opinion.
23 Q 24	Did you feel as though you had enough information on which to make a decision?	23	Q A	Anything else?
		24		No.
PAG	E 27 27	İ	PAGE	: 30 30
1 A	I don't remember.	1	Q	And there was discussion about making sure that the —
2 Q	Do you recall having the School Committee's attorney,	2	~	strike that.
3	Richard Allen, present at that meeting?	3		You understood that from the proposed sale
4 A	I don't remember.	4		there would be an endowment fund created; is that right?
5 Q	Have you exhausted your memory as to what happened on	5	A	No.
6	November 11, 2008?	6	Q	Did you understand that a fund would be created from the
7 A 8 Q	Yes. Now, I want you to take a look at Korb Number Eight.	7 8	7\	Sale?
9	Without yet reading all of Korb Number Eight, do you	9	Α	The money would be invested, somehow. How, had not been decided.
10	recognize Korb Number Eight as a portion of the minutes	10	Q	And did you understand that the sales proceeds would not,
11	of a meeting in executive session of the Ipswich School	11	~	themselves, be touched, as opposed to interest on the
12	Committee on November 20, 2008?	12		money from the sale being touched?
13 A	That's what it says it is.	13		MS. BREWER: Objection.
14 Q	Would you please take your time and read — strike that.	14	Α	I understood that was what was said.
15 16	Do you have an independent memory of what	15	Q	You weren't so sure that was going to happen?
16 17 A	transpired at the executive session on November 20, 2008?	16	A	Exactly.
17 A	No. Would you take your time and read Korb Number Eight to	17 18	Q	And you say that investing dollars is a bigger risk than investing in land?
19	voirself?	19	A	No, we already owned the land.
20 A	Yes.	20	Q	And why did you think investing dollars would have a
21 Q	You've had a chance to look at Korb Number Eight?	21	~	bigger risk than continuing to own the land?
22 A	Yes.	22		MS. BREWER: Objection.
23 Q	Does it refresh your memory as to what transpired at an	23	Α	The land will always be there. The dollars can
24	executive session of the School Committee on November 20,	24		disappear.
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	SHE	ET 6 PAGE 31	1	PAG	E 34 34
1	Q	And how would dollars disappear?	1	Q	But the cottages were owned by the cottage owners?
2	Ā	Bad investments, changes in the market. If the real	2	Ā	Yes.
3		estate market changes, the land still exists. It has the	3	Q	And you understood that in order to create a condominium,
. 4		opportunity to increase in value, and money can be lost.	4		there would have to be a combination of the land and the
5	Q	You understood that the value of land could go up or	5		cottages?
6		down, as well?	6	Α	Yes.
7	Α	Yes.	7	Q	And that the March 19, 2009, meeting dealt with a
8	Q	At least, you were comfortable that the land would	8		proposal, whereby, that was going to be done?
9		continue to be something you could see and stay in	9	Α	Yes.
10		existence?	10	Q	By way of a combination of the efforts of the Feoffees
11	Α	If you buy stock — if you invest ten thousand dollars in	11		and the cottage owners?
12		stock, and that stock goes kaput, you lose your ten	12	Α	Yes.
13		thousand dollars. If you invest your ten thousand	13	Q	And the question for the School Committee on March 19,
14		dollars in land, the land is all still physically going	14		2009, was whether they were, generally, in approval of
15	^	to be there and some day, be able to regain its value.	15		such a concept?
16	Q	Now, are you aware of an erosion problem at Little Neck?	16		MS. BREWER: Objection.
17	A	Vaguely.	17	A	Yes.
18 19	Q	What do you understand to be the erosion problem at	18	Q	And you understood, at that time, that the proposed price
20	Α	Little Neck?	19	70	was still twenty-six and a half million dollars?
21	A	That — I don't really understand it very much, just that there's sand washing away at the beach.	20 21	A	Yes.
22	Q	Is it your understanding that the only erosion issues at	22	Q	And your attorney, Attorney Allen, was present at that meeting by speaker phone?
23	Q	Little Neck pertain to the beach?	23	Α	Yes.
24	A	That is what I heard from it. I really don't know.	24	Q	
			24		So, he was available to answer any questions that the
	PAGE	E 32	Ì	PAGI	3 35
-	_	32			35
1	Q	Now, some time after November 20, 2008, did the subject	1	-	School Committee members might have?
2	70	of sale come back before the School Committee?	2	A	Right.
3	A	I don't know.	3	Q	Do you recall, on March 19, 2009, Attorney Allen being in
4 5	Q	There was a motion on November 20, 2008, and the motion	4	70	favor of this condominium approach?
6	Α	to authorize the sale did pass? Okay. So, I don't know if it came back, again.	5 6	A	I don't remember.
7	Ô	Let me show you what's been marked as Hopping Number One.	7	Q	In any event, there was a lengthy discussion about this
8	v	And do you recognize that document to be	8	A	whole concept; was there not? Yes.
9		minutes of a meeting of the School Committee in executive	9	Q	And as a result of that discussion, it's fair to say that
10		session on March 19, 2009?	10	Z	everyone, all seven members of the School Committee, were
11	Ą	That's what it says, yes.	11		in favor of such an approach to sale?
12	Q	You were still on the School Committee at that time?	12		MS. EREWER: Objection.
13	Ã	Yes.	13	Α	They all voted for it, yes.
14	0	Do you have an independent memory of what transpired at	14	Q	Including you?
15	*	the meeting on March 19, 2009?	15	Ă	Yes.
16	A	No.	16	Q	Now, why did you vote in the affirmative on March 19,
17	Ō	Please read to yourself, and take as much time as you	17	ĸ	2009, after you had voted in the negative on November 20,
18	~	need, Hopping Number One.	18		2008?
19		Does that refresh your memory as to what	19		MS, BREWER: Objection.
20		happened on March 19, 2009?	20	Α	Because the School Committee had - it was clear that the
21	Α	Yes.	21		land was going to sell, that the School Committee was in
22	Q	Tell us what happened on March 19, 2009?	22		favor of selling the land. So, I was in the minority,
23	A	The attorney for the Feoffees came before us and	23		and at that point, it — I wasn't voting so much about —
24		presented a proposal to create condominium units out of	24		I vocalized and made my position known about selling the
+	PAGE	33		PAGE	36
		33			36
1		the parcels at Little Neck. There was discussion,	1		land. From there, if there was a way to make it work,
2		questions and $I-I$ see from this, and I do remember, I	2		quickly, because all this money is just being held up
3		actually voted for it.	3		everywhere, and the schools aren't getting anything, that
4	Q	Now, prior to March 19, 2009, had you had any dealings	4		seemed like the logical solution to me, given that it was
5		with condominiums?	5		going to sell.
6	A	Yes.	6	Q	And the subject of sale came before the School Committee
7	Q	You understood what a condominium was from your training	7		at least one more time while you were still a member.
8		as a licensed sales person?	8		Do you recall that?
9	A	Yes.	9	A	No.
10	Q	And had you bought and sold, as a sales person — strike	10	Q	Let me show you what's been marked as Korb Number Eleven.
11		that.	11		My first question is, do you have an independent memory
12	7.	Had you represented	12		of what transpired at the School Committee meeting in
13	A	Listed —	13	70	executive session on May 7, 2009?
14	Q	—— persons who bought and sold condominium units? Yes.	14	A	No.
15 16	A		15 16	Q	It's fair to say that the document I've just handed to
17	Q	You understand and understood then, that a condominium is	16		you, Korb Number Eleven, are minutes; that document
18	A	a form of ownership of real estate? Yes.	17 18	7\	contains minutes of that executive session meeting?
19				A	Yes.
20	Q	And in order to create a condominium, the creator has to own both land and buildings?	19 20	Q	And in order to potentially refresh your recollection,
21	Α	Yes.	21	A	you need time to read Korb Number Eleven; correct? Yes.
22	Q	And you understood on March 19, 2009, the land of Little	22	Q	All right. Please do so, and take whatever time you
23	**	Neck was owned by the Feoffees; is that right?	23	×	need.
24	Α	Yes.	24		Now, does that refresh — does Korb Number
	-	DDENDAMA			

Elizer effects your memory as to what transpired on key 7, 2009, short section presential methodology for sale, sentening different from a containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects of containtium, orthort ineffects effects ef			DEPOSITION OF:	ַוע		
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4 O There was talk, on May 7, 2009, shout suches potential methodology for sails, sensiting different from a so-called approximation of the sail of sails and the sail of sails and the sail of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sails of sails and the sa			Eleven refresh your memory as to what transpired on			Ch, yes.
seculated approval—constrained plans? A so-called approval—constrained plans? A possibility. A proposition was? A possibility. A possibil	3		Vaguely.	3	_	trust should be reformed?
7 So-called approval-inci-regular plann of the planning special planning of the planning special planning sp		Q	methodology for sale, something different from a			
8 A Yes. 9 Q Did you brow, on key 7, 2009, what an approval, not regarded plan was? 10 A Part was it — what is it? 11 A It's a plan presented to the Planning Board saying that you have a lot that you can huld on, that cheer's need approval. It just need to do anything. You have a lot that you can huld on, that cheer's need approval. It just need to do anything. You have your fortrage. 10 That's fine. 11 A Day a plan presented to the Planning Board saying that the your fortrage. 12 A Day. 13 A Th's a plan presented to the Planning Board saying that you you was constructed to the supplier. You man, there wouldn't he least going on. 14 A Day of the your washers of the pall presented to not twartly million dollars from the sale of all title Need? 15 A Day of the your washers of the pall presented to not twartly million dollars from the sale of a School Committee marker? 16 A I ballows so. I don't remether. 17 A But yes. 18 A I ballows so. I don't remether. 19 A I ballows so. I don't remether. 19 A I ballows so. I don't remether. 19 A I ballows so. I don't remether. 19 A I ballows so. I don't remether. 20 A I dur't member. 21 A I don't remether what it was? 22 A I dur't member. 23 A Part of the same of sale of little Neck in some capacity other than as a School Committee marker? 24 A I dur't member. 25 A But you can't remether what it was? 26 A But you can't remether what it was? 27 A Runs, man, and as a marker of the School Committees other than the peach of School Committees of the remether. 26 A But you can't remether what it was? 27 A Runs, man, and as a marker of the School Committees other than the peach of School Committee. 28 A Yes man, not as a marker of the School Committees other than the peach of School Committee. 29 You remether were is say that? 29 A Yes. 29 A Yes. 29 A Yes. 20 But you was not marker? 20 A I dur't member. 20 A Runs, man, and as a marker of the School Committees other than the peach of School Committee. 29 You remether were in the coulting of the third was a discussion of the thoris on						reformation of the trust?
10 PARCHERY. 12 O Ment was it it? 13 A Parchitely. 14 A Parchitely. 15 O Ment was it it with it it? 16 A Parchitely. 17 A Parchitely. 18 A Parchitely. 19 A Parchitely at the desired spring that depends on the parchitect of the support of the dependent of the parchitect of the parchitecture of the parch			Yes.			It needed to be rewritten.
12 A It was it — what is it?	10	_	required plan was?	10		MS. BREWER: Objection.
you have a lot that you can build or, that chest're feed is signature. You drive read to do any strivistion or you don't need to do anything to to do any strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law strivistion or you don't need to do anything to law you served to not work and the law strivistion or you don't need to do anything to law you were assert the was strive in the strict need to anything to anything to law you don't need to do anything to law you served to metal state of lattic Nack in or you strivistion or you don't need to do anything to law strive and anything to law strive and anything to law strive anything to law strive anything to law strive any strive anything to law strive anything to law strive anything to law strive anything to law strive anything to law strive anything to law strive anything to law strive anything to law strive anything to anything to anything to law you so strive the strip and a strive anything to anything to anything to anything the law you any strivistion or you don't need to be strive anything to anything to anything to anything to anything to anything the strip any strip any to you strik there wouldn't be not want to said anything to anything to anything to anything to anything to anything to anything to anything to anything to anything to anything to anything to anything to anything to anything tor	12	Q	What was it — what is it?	12	A	we wouldn't have been — we wouldn't be here, right now.
to do any strictivation or you don't need to do enything to 15 the land. You've not achdividing it or stything. You have your frontage. 10 the land. You've not achdividing it or stything. You have your frontage. 21 O A Committee matter? 22 O A Committee matter? 23 I was committee matter? 24 I was ch, no, there was one more, 70 an Meeting. 25 O Ard you were in favor, on Ney 7, 2009, of such a sale a Sthool Committee matter? 26 I was ch, no, there was one more, 70 an Meeting. 27 O Ard you were in favor, on Ney 7, 2009, of such a sale a Sthool Committee matter? 28 O I was ch, no, there was one more, 70 an Meeting. 29 A There was one more, 70 an Meeting. 20 O Rey. 21 O Rey. 22 O Rey. 23 I was ch, no, there was one more, 70 an Meeting. 24 O Rey. 25 O Rey. 26 O Rey. 27 A I was ch, no, there was one more, 70 an Meeting. 28 O I was committee matter? 29 A Description. 20 O Rey. 20 O Rey. 21 O Rey. 22 O Rey. 23 A Description. 24 O Rey. 25 O Rey. 26 O Rey. 27 A I was ch, no, there was one more, 70 an Meeting. 28 O Rey. 29 A Description. 20 O Rey. 20 O Rey. 21 O Rey. 22 O Rey. 23 A Description. 24 O Rey. 25 O Rey. 26 O Rey. 27 A I was chart was the was the way they were. So, the third was chart was the way they were. So, the third was chart was the way they were. So, the third was chart was the threat was written in the sixteen hardeds is not considered with the way they were. So, the third was chart was the was the threat was that there were issue that there were seven was considered with you mean? 29 A Description. 20 O Rey. 20 I was considered. 20 O Rey. 21 A I of the was on more, Town Meeting. 22 O Rey. 23 A Description. 24 A I replace was one more, Town Meeting. 25 O Rey. 26 A Description. 27 O Rey. 28 A Description. 29 A Description. 29 A Description. 20 O Rey. 20 A Description. 20 O Rey. 21 A Description. 21 Description. 22 O Rey. 23 A Description. 24 A Description. 25 O Rey. 26 A Description. 27 O Rey. 28 A Description. 28 A Description. 29 A Descr	14	A			Q	•
the land. You've not ackinding it or saything. You be your forthcast. It was very cur from the sale of a same part of the same of the last detailed enough? PAGE 38 PAGE 38 A Yes. A Only ou were in favor, on May 7, 2009, of such a sale of little Neck? A It was the year forthcast. You were in favor, on May 7, 2009, of such a sale of little Neck? A It was the year forthcast. You were in favor, on May 7, 2009, of such a sale of little Neck? A It was the year in favor, on May 7, 2009, of such a sale of little Neck in your ment. In which it was, then the year in favor, on May 7, 2009, of such a sale of little Neck in your ment. A All I meant was that there were issues that needed to be PAGE 41 Soluted and things weren't working the way they were. So, the Yes. A Net you were on favor, on May 7, 2009, of such a sale of little Neck in your were on the last meeting you had as a part of the lesses of sale of little Neck? A It was the year in favor, on May 7, 2009, the last time that you you were on the lesses of sale of little Neck? A It was the year in favor of the lesses of sale of little Neck in some capacity other than as a School Committee member? A It believes so. I don't remember. A It don't remember what it was? A It don't remember what it was? A Not you were an an entire of the School Committee and those discussion of the Page of the School Committee or the School Committee and those discussion of the Page of						
The static detailed enough? O	17		the land. You've not subdividing it or anything. You	17	*	Feoffees and the cottage owners, if there were different
22	19	^	Is that detailed enough?	19	-	MS. BREWER: Objection.
remained to net bestly million dollars from the sale of 24 A All I meant was that there were issues that needed to be PAGE 38 7 A Yes. 38 8 A Yes. 40 And you were in favor, on May 7, 2009, of such a sale methodology? 8 A Way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the meeting would as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had as a way 7, 2009, might have been the last meeting you had and things weren't working the way they were a solvable in — is not — no longer working in the twentieth cartury, which it was, then. A way they were a way wisheld in — is not — no longer working in the twentieth or wisheld in — is not — no longer working in the twentieth or wisheld in — is not — no longer working in the twentieth or wisheld in — is not — no longer working in the twentieth or wisheld in — is not — no longer working in the twentieth or wisheld in — is not —	21	Ā		21		
PAGE 36 PAGE 36 PAGE 36 PAGE 36 A Yes. No. A Yes. A Mal I meant was that there were issues that resided to be part of the page of t		Q				
1 A Yes. 2 And you were in favor, on Ney 7, 2009, of such a sale methodology? 3 A Yes. 3 O May 7, 2009, might have been the last meeting you had as a School Committee member? 4 A Yes. 5 O May 7, 2009, might have been the last meeting you had as a School Committee member? 6 A I was. Ch. no, there was one more, Town Meeting. 10 C Gay. 11 A But yes. 12 O In any event, was May 7, 2009, the last time that you stord on the issue of sale of Little Neck? 13 A Re a School Committee member? 14 A Re a School Committee member? 15 A I believe so. I don't remember. 16 A I believe so. I don't remember. 17 O Was the question of whether or not to sell Little Neck in the way the user that the way the way the user that the way the user that the way the user that the way the wa			Little Neck?			All I meant was that there were issues that needed to be
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6 Q Have you served on any Ipswich boards or committees other than the Ipswich School Committee? 7 You mean, not as a member of the School Committee? 9 Q You're referring to the Tri-Board? 10 A No, I'm referring to, like, the Town Manager's Search Committee, for example, that I was a representative of the School Committee. 10 Q I am interested in other boards or committees. So, the Town Manager Search Committee was a committee you served on? 10 A A Rod, actually, the Town, maybe, Treasurer/Collector. 11 Q A search committee? 12 Did you ever serve on the Finance Committee? 13 Q Did you ever serve on the Finance Committee. 14 A No. 15 Q Mateway it was set up, no. 16 Did you favor keeping Life Feoffees? 17 A No. 18 A Yes. 19 Q Now, in the course of your review of the potential changes in the trust, did you favor keeping Selectmen Feoffees? 10 A Not the way it was set up, no. 11 Did you favor keeping Life Feoffees? 12 MS. BREWER: Objection. 13 Q What was your personal opinion as to how the appointments to serve as Feoffees should be made? 14 No. 15 Q What was your personal opinion as to how the appointments to serve as Feoffees should be made? 16 A No. 17 A No. 18 A Yes. 19 Q Now, in the course of your review of the potential changes in the trust, did you favor keeping Selectmen Feoffees? 10 A Not the way it was set up, no. 11 A No. 12 MS. BREWER: Objection. 13 Q What was your personal opinion as to how the appointments to serve as Feoffees should be made? 19 Q What was your personal opinion as to how the appointments to serve as Feoffees should be made?	4	Q	But you can't remember what it was?	4		And did you learn that four of those Feoffees were so-
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20 A No. 20 MS. BREWER: Objection.					Q	
	20 21				A	
22 A No. 22 Q Or at any time thereafter?	22	Α	No.	22	Q	Or at any time thereafter?
23 Q Were you involved in any discussion or debate over the 23 A I agreed with what was proposed to be changed, and I 24 believe what was proposed was two members from the		~			А	believe what was proposed was two members from the

		DEPOSITION OF:	ועו	AININ	NE A. KUSS
	SHE	ET 8 PAGE 43		PAGE	E 46
		43	1		46
1		Finance Committee — I mean, two members appointed by the	1 1	Q	Now, the School Committee budget would, ultimately, go
2		School Committee, two members appointed with — by the	2		before Town Meeting; correct?
3		Selectmen, and three members appointed by the Finance	3	A	Yes.
4		Committee, and I actually made the suggestion, which was	4	Q	To be approved?
5		voted and passed, to make one of the members appointed at	5	_	MS. BREWER: Objection.
6		Town Meeting.	6	A	Yes.
7	Q	Leaving two appointments for the Finance Committee?	1 7	Q	Or not approved?
8	Ã	Yes.	8	Ã	
9					The vote, yes.
	Q	And that was your own opinion as to how the Feoffees	9	Q	And the budget would appear on a warrant article for the
10	_	should be determined?	10		annual meeting?
11	Α	Yes.	11	Α	Yes.
12	Q	Now, as a member of the School Committee, were you ever	12	Q	The warrant article would contain recommendations of
13		involved in budget discussions?	13		different boards and committees; correct?
14	Α	Yes.	14	Α	Correct.
15	Q.	Did you understand that the Finance Committee and the	15	Q	Did the Finance Committee make a recommendation as to the
16	×.	Selectmen had roles insofar as the setting of the School	16	×	
17				70	School Committee budget?
		Committee budget?	17	A	Yes.
18	_	MS. BREWER: Objection.	18	Q	Did the Selectmen make a recommendation as to the School
19	A	No.	19		Committee budget?
20	Q	Take me through the budget process, generally-speaking,	20	Α	Yes.
21		for the School Committee?	21	Q	And did the School Committee make a recommendation as to
22	Α	The School Committee meets — let me think a minute. The	22		the School Committee budget?
23		- a figure, an initial figure comes out, which is based	23	Α	Yes.
24		on figures of projected figures from the state, federal	24	Q	And in your experience, is it fair to say that the School
			27		An in your experience, is it tall to say that the school
	PAGE	E 44	1	PAGE	3 47
		44	ľ		47
1		aid, all our projected aid, and income from the town.	1		Committee would line up on one side and the Selectmen and
2		Usually, that's split sixty/forty. They go through this	2		the Finance Committee would line up on the other side?
3		whole paperwork thing.	3		
4	0			70	MS. BREWER: Objection.
	Q	Let me stop you for a minute. When you say a split,	4	A	No.
5	_	sixty/forty, what do you mean?	5	Q	Going back to the Superior Court lawsuit brought by the
6	A	Usually, the schools get sixty percent of the money that	6		cottage owners against the Feoffees, did you ever study
7		comes in. I don't know if it's still that way, but	7		that lawsuit to determine the merits or lack of merits of
8		that's how it was when I was on the committee, and the	8		the claims by the cottage owners?
9		town got forty percent of most revenues that came into	9	A	No.
10		the town. We worked out budget from there.	10	Q	Are you aware of any wrongdoing committed by any Life
11		The Budget Subcommittee met. The principals —	11	×	
12			112		Feoffees in their handling of the property at Little
		the administrative team met and made their	12	_	Neck?
13		recommendations. We reviewed with them, and we presented	13	Α	No.
14		it to the Fin. Com.	14	Q	Are you aware of any hostility held by any Life Feoffees
15		We did not — we — I guess, to say the Selectmen	15		towards the Ipswich Public Schools?
16		had anything to do with our budget, saying our budget	16	Α	No.
17		really isn't true. There were times we had to work	17	0	Are you aware of the Life Feoffees acting out of any
18		together with them, at bean counting, which was the final	18	*	selfish motives with respect to their handling of Little
19		meeting between the three boards —	19		Neck?
20	0	When you say the three boards, which boards are those?		70.	
	Q		20	A	Factually, no.
21	A	Finance Committee, the Selectmen and the School	21	Q	Are you aware that at one time, Donald Wiston's family
22		Committee, to iron out any discrepancies. Maybe we could	22		owned a cottage at Little Neck?
23		out from one side. It was a give and take between the	23	A	Now that you mention it, yes.
24		School Committee — the town and the schools, at that	24	Q	You know Donald Wiston to be one of the Life Feoffees?
	DACE				
	PAGE		ı		4.0
		E 45		PAGE	48
1		45			48
1	^	point, with the Finance Committee having the final say.	1	A	Yes. 48
2	Q	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what?	2		Yes. Do you contend or did you ever contend that rents were
2 3	A	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money.	2 3	A	Yes. 48
2	_	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money.	2 3	A	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's
2 3 4	A	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money. Now, were you aware of a discussion or debate about	2 3 4	A Q	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's family?
2 3 4 5	A	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money. Now, were you aware of a discussion or debate about whether monies that were distributed by the Feoffees to	2 3 4 5	A Q A	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's family? I never thought about it.
2 3 4 5 6	A	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money. Now, were you aware of a discussion or debate about whether monies that were distributed by the Feoffees to the schools should be used for enrichment or enhancement,	2 3 4 5 6	A Q	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's family? I never thought about it. Are you aware that at one time, the family of Jim Foley
2 3 4 5 6 7	A	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money. Now, were you aware of a discussion or debate about whether monies that were distributed by the Feoffees to the schools should be used for enrichment or enhancement, as opposed to being used to pay normal operating expenses	2 3 4 5 6 7	A Q A Q	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's family? I never thought about it. Are you aware that at one time, the family of Jim Foley owned a cottage at Little Neck?
2 3 4 5 6 7 8	Ā Q	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money. Now, were you aware of a discussion or debate about whether monies that were distributed by the Feoffees to the schools should be used for enrichment or enhancement, as opposed to being used to pay normal operating expenses of the public schools?	2 3 4 5 6 7 8	A Q A Q	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's family? I never thought about it. Are you aware that at one time, the family of Jim Foley owned a cottage at Little Neck? Yes.
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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	A Q A Q A	point, with the Finance Committee having the final say. The Finance Committee having the final say as to what? Who got what for money. Now, were you aware of a discussion or debate about whether monies that were distributed by the Feoffees to the schools should be used for enrichment or enhancement, as opposed to being used to pay normal operating expenses of the public schools? Yes. Tell me about that discussion or debate? I guess, I don't remember any one, specifically. It was an ongoing discussion. Tell me what the issue was? The issue was, the trust said that the money to be used for enhancement of the Ipswich Grammar Schools, and the School Committee's stand on that was, that was enhancement above and beyond the regular running of the schools, to add programs and enhance the schools. The Finance Committee's view on that was to keep — to spend it on the schools. It didn't — their definition of enhancement was a bit different, I think. And where did the Selectmen come down on that discussion	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	Yes. Do you contend or did you ever contend that rents were kept low at Little Neck in order to benefit Mr. Wiston's family? I never thought about it. Are you aware that at one time, the family of Jim Foley owned a cottage at Little Neck? Yes. And you knew Jim Foley to be a Feoffee? Yes. Do you contend or did you ever contend that the rents at Little Neck were kept low by the Feoffees so as to benefit the family of Jim Foley? No. Now, there has been a debate that you're aware of as to the contributions or distributions made by the Feoffees to the School Committee over time; are you aware of that controversy? I'm not sure exactly what, in particular, you're talking about. Well, from 2003, when you first began on the School Committee, until 2006, every year, the Feoffees

	SHE	ET 9 PAGE 49	1	PAGE	
1	Q	49 What year or years during the period of 2003 to 2006, did	1	Α	Yes. I'm sorry.
2	¥	the Feoffees not distribute monies to the public schools?	2	Q	And did you make such an investigation?
3	Α	I don't know, but I know it wasn't every year.	3	A	I did.
4	Q	From 2003 to 2006, you don't believe there was a	4	Q	Do you have any documents described in what we've marked
5 6	7.	distribution made every year?	5	70	as Exhibit Number One?
7	Α	Ch, maybe. I'm sorry. I was thinking 2009. You said 2006. So, I was thinking my whole term. I really don't	6	A Q	I do not. Those thick packages you got from Mr. Traverso, you
8		know.	8	Q	dich't maintain them?
9	Q	Have you ever looked into what distributions, if any,	9	A	For a year, and then it all went out in recycling, and I
10		have been made by the Feoffees during the time period	10		even went through again — nothing.
11	7.	prior to your becoming a School Committee member?	11	Q	I'm sorry?
12 13	A	We were given a sheet, at one time, with all the distributions on it.	12 13	A Q	I went through again, a couple days ago. Nothing left. Well, Ms. Ross, I have no further questions.
14	Q	Given a sheet by whom?	14	Q	I want to thank you for taking time out and
15	Ã	It was a handout, a School Committee handout at some	15		coming in here, this morning.
16		point.	16		Attorney Brewer has the opportunity to inquire.
17	Q	Do you know who generated that handout?	17		MS. EREWER: Thank you.
18 19	A	I think it was requested by the School Committee. So, it must have been — I don't know — the School Department.	18 19		I have no questions at this time.
20	Q	Did you ever check any documents to determine whether or	20		MR. SHEEHAN: Very good. We're off the record and done.
21	*	not the handout was accurate?	21		(Whereupon, at 12:00 P.M., the deposition
22	A	No.	22		concluded.)
23	Q	Have you reviewed any appraisals that have been performed	23		
24		by one or more appraisers of the land at Little Neck?	24		
	PAGE		1	PAGE	
1	A	I don't remember.	1		53 SIGNATURE PAGE FOR DEPONENT
2	Q	Are you familiar with the terms, at least generally, of	2		DIGMINICI FASI POR MECUNI
3	_	the Zoning Bylaw in the Town of Ipswich?	3		I, Dianne A. Ross, do hereby certify that I
4	A	The ever-changing Zoning Bylaw?	4		have read the foregoing and that to the best of my
5	Q	Yes, the ever-changing Zoning Bylaw of Ipswich?	5		knowledge said deposition is true and accurate (with the
6 7	A Q	Very generally, yes. Do you know how it is that there are a hundred and sixty-	6		exception of the following desired changes listed below): PAGE LINE CHANGE
8	×	seven cottages on a single parcel of land at Little Neck?	8		THOS THE CHASE
9	Α	Yes. It's grand-fathered.	9		
10	Q	When you say grand-fathered, what do you mean?	10		
11	A	It predates zoning.	11		
12 13	Q	So, the cottages on Little Neck would constitute what's called a prior non-conforming use of prior non-conforming	12 13		
14		structures?	14		
15		MS. EREWER: Objection.	15		
16	Q	You're not familiar with that phrase?	16		
17 18	Α	That — no, I'm very familiar with that phrase, but I'm	17		
19		not an expert. I'm not the Zoning Board, to say whether that is or isn't. I think, that's a — as they stand	18 19		Signed under the pains and penalties of perjury,
20		right now, yes, I would say they are.	20		this day of , 2011.
21	Q	They're prior non-conforming structures?	21		
22	A	Yes.	22		
23 24	Q	How many of those cottages are used for year-round residents?	23 24		Promontin Giovanni
			24		Deponent's Signature
	PAGE	51		PAGE	54 54
1	Α	I don't remember the exact number.	1		CERTIFICATE
2	Q	Was there ever a discussion amongst the School Committee	2		
3		members about not increasing the number of year-round	3		I, Brenda M. Nadeau, a Notary Public in and for
4	A	residences at Little Neck? Yes. It's in the notes, the minutes of one of those	4		the Commonwealth of Massachusetts, do hereby certify that
5 6	A	meetings, that we had discussed it.	5		the foregoing record, Pages 1 to 53, inclusive, is a true and accurate transcript of my System Tapes to the best of
7	Q	Tell me about that discussion, as best you can recall?	7		my knowledge, skill and ability.
8	A	I don't remember.	8		
9	Q	Did the School Committee ever instruct the Feoffees not	9		
10 11		to increase the number of year-round residences at Little	10		In Witness Whereof, I have hereunto set my hand
12	Α	Neck? I don't remember.	11 12		and Notarial Seal this eighth day of November, 2011.
13	Q	Let me show you this document.	13		
14		Do you recognize that as the notice of your	14		
15	7.	deposition, which brings you here today?	15		
16 17	A	Yes.	16 17		Brenda M. Nadeau
18		MR. SHEEHAN: Could we have that marked, please, as Exhibit One?	18		Notary Public
19		(Exhibit No. 1, marked; Notice of Taking	19		
20	_	Deposition of Diamne A. Ross.)	20		
21	Q	Now, that notice of deposition asks you to review your	21		My Commission expires: July 22, 2016
22 23		files for documents that are identified in Exhibit Number One?	22 23		
24		Yes?	23 24		

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BRENDA M. NADEAU, PCR P.O. BOX 916, GEORGETOWN, MA 01833

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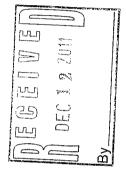
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1	SIGNATURE PAGE FOR DEPONENT
2	
3	I, Dianne A. Ross, do hereby certify that I
4	have read the foregoing and that to the best of my
5	knowledge said deposition is true and accurate (with the
6	exception of the following desired changes listed below):
7	PAGE LINE CHANGE
8	
9	p. 13 ll. 10-11 "nothing out of" should be "just"
10	p. 15, l. 14 "do you" should be "did you"
11	p. 16, l. 21 add "vaguely" before "remember"
12	p. 44, 1. 10 "out" should be "our"
13	p. 44, l. 13 add "to the School Committee" after "recommendations"
14	
15	p. 44, ll. 15-17 strike "We did not we – I guess, to say the Selectmen had anything to do with our budget, saying our budget really isn't true." Lines are nonsensical and witness cannot recall what was said.
16	
17	
18	
19	Signed under the pains and penalties of perjury,
20	this gen day of December, 2011.
21	
22	$\left(\begin{array}{ccc} 1 & 1 & 1 & 1 \\ 1 & 1 & 1 & 1 \end{array} \right)$
23	Janual (1257)
24	Deponent's Signature

1	SIGNATURE PAGE FOR DEPONENT
2	
3	I, Dianne A. Ross, do hereby certify that I
4	have read the foregoing and that to the best of my
5	knowledge said deposition is true and accurate (with the
6	exception of the following desired changes listed below):
7	PAGE LINE CHANGE
8	
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18	
19	Signed under the pains and penalties of perjury,
20	thisday of, 2011.
21	
22	
23	
24	Deponent's Signature