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COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

PROBATE & FAMILY COURT

DEPARTMENT

Docket No. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR., ET AL

VS

ATTORNEY GENERAL OF THE

COMMONWEALTH OF MASSACHUSETTS, ET AL

DEPOSITION OF DIANNE A. ROSS, a witness

called on behalf of the Plaintiffs, taken pursuant to  
Notice under the General Rules of Civil Procedure of the  
Superior Court before Brenda M. Nadeau, a Notary Public  
in and for the Commonwealth of Massachusetts, at the  
Offices of MacLean, Holloway, Doherty, Ardiffe & Morse,  
PC, Eight Essex Center Drive, Peabody, Massachusetts, on  
Thursday, October 27, 2011, commencing at 10:30 A.M.

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

BMN

1-978-766-7145

BMN

\*\*\*\*\* COMPUTER AIDED TRANSCRIPTION \*\*\*\*\*

1 APPEARANCES:

2

3 MacLEAN, HOLLOWAY, DOHERTY, ARDIFF & MORSE, PC

4 William H. Sheehan, III, Esq.

5 Eight Essex Center Drive

6 Peabody, Massachusetts 01960

7 On Behalf of the Plaintiffs

8

9 CASNER & EDWARDS, LLP

10 Donna M. Brewer, Esq.

11 303 Congress Street

12 Boston, Massachusetts 02210

13 On Behalf of the Defendants

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## 1 I N D E X

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3 WITNESS DIRECT CROSS REDIRECT RECROSS

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5 DIANNE A. ROSS

6 (By Mr. Sheehan) 5 \*\* \*\* \*

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## 8 E X H I B I T S

9

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12 1 Notice of Taking Deposition of Dianne A. Ross 51

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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.

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:

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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   Q       Married?

14   A       Yes.

15   Q       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   Q       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,  
10 in, I believe, 2000, and then, I took the test and passed  
11 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,  
20 first. The laws just changed, but I know they have to be  
21 bonded, as well. So, they can actually open their own  
22 business, whereas, a sales person can't.

23 Q Insofar as selling real estate, is there anything that  
24 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
- 17 trainee, first, at FW Woolworth. In training, I moved,
- 18 like, five times in two years. Don't ask me where, I
- 19 couldn't remember at this point, which is what brought me
- 20 to Ipswich, is the manager of Woolworth's. And then, I
- 21 went to Lechters Housewares, after my son was born. I
- 22 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  
11 business, which I did for five years, and then ----

12 Q 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 Q What is Dollar Tree?

20 A It's a retail store where everything is a dollar; really,  
21 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  
16          real estate in the Town of Ipswich?

17    A     Yes.

18    Q     While you were with Coldwell Banker, did you sell any  
19          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  
22          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  
21 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  
2 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  
10 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  
15 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  
18 Feoffees of the Grammar School in the Town of Ipswich?

19 A Oh, sure.

20 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  
23 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  
11 of Little Neck, what do you mean?

12 A They -- they were in control of it. Just basically, that  
13 Feoffee was an old form of trustee.

14 Q And did you understand that the Feoffees were in control  
15 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  
18 holding of that real estate by the Feoffees?

19 A Ipswich Schools.

20 Q As of April 2003, had you read any documents or  
21 literature pertaining to the Feoffees?

22 A I have no idea.

23 Q From April of 2003, until the time you stopped serving in  
24 May of 2009, did you ever look at any documents to try to

1           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  
8           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  
11          either the schools or from Ed Traverso.

12   Q     What did you get from Ed Traverso?

13   A     I don't know.

14   Q     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  
18          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  
22          time he had spent or told us about things he had  
23          researched or ----

24   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  
21 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.  
13           I'm sure there was more, but I don't remember.

14    Q     And what do you understand the cottage owners' claims  
15           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  
22           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  
11 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  
15 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  
19 School Committee, about requesting that the Feoffees  
20 increase the rents charged to the cottage owners?

21 A Not specifically. I know they -- I remember that  
22 happening, yes.

23 Q Do you recall the Feoffees, through their counsel,  
24 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?

10 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  
15 advising the School Committee of the rents that the  
16 Feoffees were proposing to charge, do you recall the  
17 School Committee approving of the proposed rents?

18 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,  
23 informing the School Committee that as a result of the  
24 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  
12          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  
16          School Committee the possibility of the sale of Little  
17          Neck in order to solve that litigation?

18    A     Yes.

19    Q     Now, I understand from a conversation off the record,  
20          that you're working with some new glasses.  So, to the  
21          extent you need some extra time to review these  
22          documents, please feel free to take that time.

23                       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  
2 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  
8 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  
13 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  
20 the minutes of an executive session of the School  
21 Committee meeting held on October 16, 2008?

22 A Yes.

23 Q Now, without having looked at those minutes, you don't  
24 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  
11 after October 16, 2008, you received, in those packets  
12 that you talked about earlier, proposed meeting minutes  
13 and you reviewed the minutes for accuracy?

14 A Yes.

15 Q And then voted, along with your other School Committee  
16 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  
22 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  
10 the Feoffees' current holdings, that was the phrase  
11 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.

15 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  
19 rent the tenants were paying and the rent that they were,  
20 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  
23 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  
2 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?

19 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  
10 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  
15 served on the working group.

16 Q Take a look at Korb Number Seven?

17 A Okay.

18 Q Do you recognize Korb Number Seven as being minutes of a  
19 working group?

20 A Maybe I did. All right, then.

21 Q And that's all right. We're going back a number of  
22 years, so don't feel badly about that.

23 Now, my first question with respect to Exhibit  
24 Number Seven is, although it refers to a working group of

1           the Feoffees, this is really not a working group of the  
2           Feoffees; it was a working group of the School Committee  
3           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  
6           at Korb Number Seven, and take whatever time you need?

7    A     Wow, I have no memory of this meeting.

8                   MS. BREWER: While she's reading that, can we  
9           go off the record?

10                  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  
15           working committee?

16   A     Yes, I guess so.

17   Q     Obviously, not the most important office you've ever held  
18           on the School Committee?

19   A     Yes, apparently.

20   Q     And you understood that as part of the working group,  
21           your job was to do some fact-finding?

22   A     Yes.

23   Q     And in the words that are contained somewhere in here, to  
24           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  
10 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  
19 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  
22 remember what the paper was, but it was something to do  
23 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  
12          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  
15          paper that showed that mathematical calculation showing  
16          about twenty million dollars net?

17                   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  
20          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  
11 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.

15 Do you have an independent memory of what  
16 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  
24 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  
10          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.

15                   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  
18          mind regarding the tenants walking and the beneficiaries  
19          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  
22          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

1           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?

10                   MS. BREWER:  Objection.

11   A     Because I had always been opposed to the sale.

12   Q     Why were you opposed to the sale?

13                   MS. BREWER:  Objection.

14   A     I was opposed to the sale because money is fluid and land  
15           is not.  I thought that it was a big danger of selling  
16           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,  
19           naturally, the value increases over a long period of  
20           time.  Money stays the same.  Interest rates go up and  
21           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,  
11 themselves, be touched, as opposed to interest on the  
12 money from the sale being touched?

13 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  
18 investing in land?

19 A No, we already owned the land.

20 Q And why did you think investing dollars would have a  
21 bigger risk than continuing to own the land?

22 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  
12 stock, and that stock goes kaput, you lose your ten  
13 thousand dollars. If you invest your ten thousand  
14 dollars in land, the land is all still physically going  
15 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  
21 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  
2 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.

8 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  
15 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.

19 Does that refresh your memory as to what  
20 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  
17 a form of ownership of real estate?

18 A Yes.

19 Q And in order to create a condominium, the creator has to  
20 own both land and buildings?

21 A Yes.

22 Q And you understood on March 19, 2009, the land of Little  
23 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  
11 and the cottage owners?

12 A Yes.

13 Q And the question for the School Committee on March 19,  
14 2009, was whether they were, generally, in approval of  
15 such a concept?

16 MS. BREWER: Objection.

17 A Yes.

18 Q And you understood, at that time, that the proposed price  
19 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  
11 in favor of such an approach to sale?

12 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,  
17 2009, after you had voted in the negative on November 20,  
18 2008?

19 MS. BREWER: Objection.

20 A Because the School Committee had -- it was clear that the  
21 land was going to sell, that the School Committee was in  
22 favor of selling the land. So, I was in the minority,  
23 and at that point, it -- I wasn't voting so much about --  
24 I vocalized and made my position known about selling the

1 land. From there, if there was a way to make it work,  
2 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.  
11 My first question is, do you have an independent memory  
12 of what transpired at the School Committee meeting in  
13 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,  
20 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.

24 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  
14          you have a lot that you can build on, that doesn't need  
15          approval. It just needs the signature. You don't need  
16          to do any subdivision or you don't need to do anything to  
17          the land. You've not subdividing it or anything. You  
18          have your frontage.

19                   Is that detailed enough?

20   Q     That's fine.

21   A     Okay.

22   Q     And you understood, on May 7, 2009, that the goal  
23          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  
6 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  
13 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  
18 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  
23 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  
2 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 Q 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  
24 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?

10 MS. BREWER: Objection.

11 A Because it, obviously, wasn't working the way it was or  
12 we wouldn't have been -- we wouldn't be here, right now.  
13 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  
17 Feoffees and the cottage owners, if there were different  
18 Feoffees?

19 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.

22 What did you mean? I, obviously, misunderstood  
23 what you meant.

24 A All I meant was that there were issues that needed to be

1       solved and things weren't working the way they were. So,  
2       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     Q     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  
10       were appointed?

11    A     Yes.

12    Q     Were you in favor of changing the way trustees were  
13       appointed?

14                     MS. BREWER:  Objection.

15    A     Yes.

16    Q     Now, you were aware during this time of discussion, that  
17       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  
22       discussion of ----

23    A     When I started on the School Committee and those  
24       discussions came up, I did not know.

1 Q At some time, while you were a School Committee member,  
2 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  
11 changes in the trust, did you favor keeping Selectmen  
12 Feoffees?

13 MS. BREWER: Objection.

14 A Not the way it was set up, no.

15 Q Did you favor keeping Life Feoffees?

16 MS. BREWER: Objection.

17 A No.

18 Q What was your personal opinion as to how the appointments  
19 to serve as Feoffees should be made?

20 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  
10 should be determined?

11 A Yes.

12 Q Now, as a member of the School Committee, were you ever  
13 involved in budget discussions?

14 A Yes.

15 Q Did you understand that the Finance Committee and the  
16 Selectmen had roles insofar as the setting of the School  
17 Committee budget?

18 MS. BREWER: Objection.

19 A No.

20 Q Take me through the budget process, generally-speaking,  
21 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  
24 on figures of projected figures from the state, federal

1 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.

11 The Budget Subcommittee met. The principals --  
12 the administrative team met and made their  
13 recommendations. We reviewed with them, and we presented  
14 it to the Fin. Com.

15 We did not -- we -- I guess, to say the Selectmen  
16 had anything to do with our budget, saying our budget  
17 really isn't true. There were times we had to work  
18 together with them, at bean counting, which was the final  
19 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  
22 Committee, to iron out any discrepancies. Maybe we could  
23 cut from one side. It was a give and take between the  
24 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  
6 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  
12 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  
15 for enhancement of the Ipswich Grammar Schools, and the  
16 School Committee's stand on that was, that was  
17 enhancement above and beyond the regular running of the  
18 schools, to add programs and enhance the schools.

19 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  
23 or debate, if anywhere?

24 A I have no idea.

1 Q Now, the School Committee budget would, ultimately, go  
2 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 Q The warrant article would contain recommendations of  
13 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  
22 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  
2           the Finance Committee would line up on the other side?

3                       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  
15           towards the Ipswich Public Schools?

16   A     No.

17   Q     Are you aware of the Life Feoffees acting out of any  
18           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  
13 benefit the family of Jim Foley?

14 A No.

15 Q Now, there has been a debate that you're aware of as to  
16 the contributions or distributions made by the Feoffees  
17 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  
20 about.

21 Q Well, from 2003, when you first began on the School  
22 Committee, until 2006, every year, the Feoffees  
23 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,  
10 have been made by the Feoffees during the time period  
11 prior to your becoming a School Committee member?

12 A We were given a sheet, at one time, with all the  
13 distributions on it.

14 Q Given a sheet by whom?

15 A It was a handout, a School Committee handout at some  
16 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  
24 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  
13 called a prior non-conforming use of prior non-conforming  
14 structures?

15 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  
18 not an expert. I'm not the Zoning Board, to say whether  
19 that is or isn't. I think, that's a -- as they stand  
20 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  
3 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  
15 deposition, which brings you here today?

16 A Yes.

17 MR. SHEEHAN: Could we have that marked,  
18 please, as Exhibit One?

19 (Exhibit No. 1, marked; Notice of Taking  
20 Deposition of Dianne A. Ross.)

21 Q Now, that notice of deposition asks you to review your  
22 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.

14 I want to thank you for taking time out and  
15 coming in here, this morning.

16 Attorney Brewer has the opportunity to inquire.

17 MS. BREWER: Thank you.

18 I have no questions at this time.

19 MR. SHEEHAN: Very good. We're off the record  
20 and done.

21 (Whereupon, at 12:00 P.M., the deposition  
22 concluded.)

23

24

## SIGNATURE PAGE FOR DEPONENT

I, Dianne A. Ross, do hereby certify that I  
have read the foregoing and that to the best of my  
knowledge said deposition is true and accurate (with the  
exception of the following desired changes listed below):

PAGE LINE	CHANGE
-----------	--------

Signed under the pains and penalties of perjury,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

Deponent's Signature

## C E R T I F I C A T E

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

Notary Public

My Commission expires: July 22, 2016

# DEPOSITION OF: DIANNE A. ROSS

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No. of Pages: 54  
COMMONWEALTH OF MASSACHUSETTS  
ESSEX, SS PROBATE & FAMILY COURT  
DEPARTMENT  
Docket No. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR., ET AL  
VS  
ATTORNEY GENERAL OF THE  
COMMONWEALTH OF MASSACHUSETTS, ET AL

DEPOSITION OF DIANNE A. ROSS, a witness  
called on behalf of the Plaintiffs, taken pursuant to  
Notice under the General Rules of Civil Procedure of the  
Superior Court before Brenda M. Nadeau, a Notary Public  
in and for the Commonwealth of Massachusetts, at the  
Offices of MacLean, Holloway, Doherty, Ardiffe & Morse,  
PC, Eight Essex Center Drive, Peabody, Massachusetts, on  
Thursday, October 27, 2011, commencing at 10:30 A.M.

BRENDA M. NADEAU, PCR, P.O. BOX 916, GEORGETOWN, MA 01833  
BMN 1-978-766-7145 BMN  
\*\*\*\*\* COMPUTER AIDED TRANSCRIPTION \*\*\*\*\*

## 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.

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.

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PAGE 5

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## APPEARANCES:

MacLEAN, HOLLOWAY, DOHERTY, ARDIFF & MORSE, PC  
William H. Sheehan, III, Esq.  
Eight Essex Center Drive  
Peabody, Massachusetts 01960  
On Behalf of the Plaintiffs

CASNER & EDWARDS, LLP  
Donna M. Brewer, Esq.  
303 Congress Street  
Boston, Massachusetts 02210  
On Behalf of the Defendants

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

## DIRECT EXAMINATION

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

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6

## I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS

DIANNE A. ROSS  
(By Mr. Sheehan) 5 \*\* \*\* \*

## E X H I B I T S

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1 Notice of Taking Deposition of Dianne A. Ross 51

North Clarendon, Vermont, and I went to the University of  
Vermont. I have a Bachelor of Science in Mathematics,  
spent a year abroad at the University of Nice, in France,  
and graduated from UVM in 1987.  
Q Any formal education, beyond your Bachelor's, from the  
University of Vermont?  
A Just real estate license.  
Q Tell me about getting your real estate license?  
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.  
Q Are you a licensed real estate broker?  
A I still am -- agent, sales agent, sales person.  
Q Sales agent?  
A Yes.  
Q What's the difference between a licensed sales person and  
a licensed real estate broker?  
A A broker has to take more classes and they are actually  
-- 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.  
Q Insofar as selling real estate, is there anything that  
you can't do that a licensed real estate broker can do?

BRENDA M. NADEAU, PCR  
P.O. BOX 916, GEORGETOWN, MA 01833  
978 352-3314

DEPOSITION OF: DIANNE A. ROSS

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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 home?  
11 A When? Like, my whole life?  
12 Q From 1987?  
13 A From 1987, yes.  
14 Q Would you tell me about your full time positions, please?  
15 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.  
22 Q What's the name of the company?  
23 A Lechters Housewares, L-E-C-H-T-E-R-S.

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8

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

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1 A In Gloucester, about a year. I've been with the company a year and a half.  
2 Q While you were a licensed sales person with Vernon Martin, did you sell any real estate located in Ipswich, Massachusetts?  
3 A No. Oh, did I — in Ipswich, yes. I'm sorry.  
4 Q Did you sell any real state that was located at Great Neck?  
5 A No.  
6 Q Did you sell any real estate that was located at Little Neck?  
7 A No.  
8 Q Did you sell any cottages located at Little Neck?  
9 A No.  
10 Q While you were with Coldwell Banker, did you sell any real estate in the Town of Ipswich?  
11 A Yes.  
12 Q While you were with Coldwell Banker, did you sell any real estate located on Great Neck?  
13 A I don't believe so.  
14 Q And while you were with Coldwell Banker, did you sell any real estate located at Little Neck?  
15 A No.  
16 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 Committee?  
11 A I knew that was coming next. It was six years.  
12 Q You served for six years?  
13 A Yes, and my last term ended in 2009. So, I'd say, that means 2003 to 2009. Two terms.  
14 Q Did you run for re-election following the ending of your term in May 2009?  
15 A No.  
16 Q Why not?  
17 A My son was finishing his junior year and I wanted to have the time to spend with him his senior year.  
18 Q And how was it you came to run for School Committee in May of 2003?  
19 A I had run once before. My father was a School Board

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11

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

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1 Q As of April 2003, what did you understand was the role or obligation of the Feoffees?  
2 A They were the trustees of Little Neck.  
3 Q Did you understand that the Feoffees held title to the real estate at Little Neck?  
4 A No.  
5 Q Did you know who held title to the real estate at Little Neck?  
6 A No, I never thought about it.  
7 Q When you say you understood that they were the trustees of Little Neck, what do you mean?  
8 A They — they were in control of it. Just basically, that Feoffee was an old form of trustee.  
9 Q And did you understand that the Feoffees were in control of Little Neck for the benefit of someone else?  
10 A Yes.  
11 Q To whom did you understand to be the beneficiary of the holding of that real estate by the Feoffees?  
12 A Ipswich Schools.  
13 Q As of April 2003, had you read any documents or literature pertaining to the Feoffees?  
14 A I have no idea.  
15 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

DEPOSITION OF: DIANNE A. ROSS

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13

1 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  
8 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  
11 either the schools or from Ed Traverso.  
12 Q What did you get from Ed Traverso?  
13 A I don't know.  
14 Q 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  
18 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  
22 time he had spent or told us about things he had  
23 researched or —  
24 Q Did he send you documents pertaining to the Feoffees?

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14

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  
21 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

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15

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.  
13 I'm sure there was more, but I don't remember.  
14 Q And what do you understand the cottage owners' claims  
15 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  
22 cottage owners?  
23 A Probably.  
24 Q Did you understand that the Feoffees were increasing the

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16

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  
11 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  
15 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  
19 School Committee, about requesting that the Feoffees  
20 increase the rents charged to the cottage owners?  
21 A Not specifically. I know they — I remember that  
22 happening, yes.  
23 Q Do you recall the Feoffees, through their counsel,  
24 appearing before the School Committee and keeping the

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17

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?  
10 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  
15 advising the School Committee of the rents that the  
16 Feoffees were proposing to charge, do you recall the  
17 School Committee approving of the proposed rents?  
18 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,  
23 informing the School Committee that as a result of the  
24 litigation that had been brought by the cottage owners,

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18

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  
12 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  
16 School Committee the possibility of the sale of Little  
17 Neck in order to solve that litigation?  
18 A Yes.  
19 Q Now, I understand from a conversation off the record,  
20 that you're working with some new glasses. So, to the  
21 extent you need some extra time to review these  
22 documents, please feel free to take that time.  
23 My first question to you — and what I've put  
24 before you are three documents. We have marked them at a

DEPOSITION OF: DIANNE A. ROSS

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19

1 prior deposition as Korb Exhibit Numbers Six, Seven and  
2 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  
8 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  
13 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  
20 the minutes of an executive session of the School  
21 Committee meeting held on October 16, 2008?  
22 A Yes.  
23 Q Now, without having looked at those minutes, you don't  
24 have any independent memory of what happened on that

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20

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  
11 after October 16, 2008, you received, in those packets  
12 that you talked about earlier, proposed meeting minutes  
13 and you reviewed the minutes for accuracy?  
14 A Yes.  
15 Q And then voted, along with your other School Committee  
16 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  
22 phraseology, amended at November 6, 2008, School  
23 Committee meeting?  
24 A Yes.

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21

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  
10 the Feoffees' current holdings, that was the phrase  
11 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.  
15 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  
19 rent the tenants were paying and the rent that they were,  
20 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  
23 happen with those holdings?  
24 A They would become part of the purchase monies.

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22

1 Q And you understood that there was a purchase price being  
2 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?  
19 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.

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23

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  
10 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  
15 served on the working group.  
16 Q Take a look at Korb Number Seven?  
17 A Okay.  
18 Q Do you recognize Korb Number Seven as being minutes of a  
19 working group?  
20 A Maybe I did. All right, then.  
21 Q And that's all right. We're going back a number of  
22 years, so don't feel badly about that.  
23 Now, my first question with respect to Exhibit  
24 Number Seven is, although it refers to a working group of

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24

1 the Feoffees, this is really not a working group of the  
2 Feoffees; it was a working group of the School Committee  
3 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  
6 at Korb Number Seven, and take whatever time you need?  
7 A Wow, I have no memory of this meeting.  
8 MS. BREWER: While she's reading that, can we  
9 go off the record?  
10 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  
15 working committee?  
16 A Yes, I guess so.  
17 Q Obviously, not the most important office you've ever held  
18 on the School Committee?  
19 A Yes, apparently.  
20 Q And you understood that as part of the working group,  
21 your job was to do some fact-finding?  
22 A Yes.  
23 Q And in the words that are contained somewhere in here, to  
24 do some due diligence on whether or not there should be a

DEPOSITION OF: DIANNE A. ROSS

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25

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  
10 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  
19 this is the one little thing I remember, there was a  
20 paper handed out that was then given back to the  
21 Reoffees' attorney at the end of the meeting, and I don't  
22 remember what the paper was, but it was something to do  
23 with the price.  
24 Q Did that paper purport to show what the likely net

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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  
12 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  
15 paper that showed that mathematical calculation showing  
16 about twenty million dollars net?  
17 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  
20 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?

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27

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  
11 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.  
15 Do you have an independent memory of what  
16 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  
24 executive session of the School Committee on November 20,

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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  
10 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.  
15 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  
18 mind regarding the tenants walking and the beneficiaries  
19 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  
22 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

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1 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?  
10 MS. BREWER: Objection.  
11 A Because I had always been opposed to the sale.  
12 Q Why were you opposed to the sale?  
13 MS. BREWER: Objection.  
14 A I was opposed to the sale because money is fluid and land  
15 is not. I thought that it was a big danger of selling  
16 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,  
19 naturally, the value increases over a long period of  
20 time. Money stays the same. Interest rates go up and  
21 down. Investing money is a much bigger risk than, you  
22 know, owning land. In my opinion.  
23 Q Anything else?  
24 A No.

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30

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,  
11 themselves, be touched, as opposed to interest on the  
12 money from the sale being touched?  
13 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  
18 investing in land?  
19 A No, we already owned the land.  
20 Q And why did you think investing dollars would have a  
21 bigger risk than continuing to own the land?  
22 MS. BREWER: Objection.  
23 A The land will always be there. The dollars can  
24 disappear.

DEPOSITION OF: DIANNE A. ROSS

SHEET 6 PAGE 31

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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  
 12 stock, and that stock goes kaput, you lose your ten  
 13 thousand dollars. If you invest your ten thousand  
 14 dollars in land, the land is all still physically going  
 15 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  
 21 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.

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1 Q Now, some time after November 20, 2008, did the subject  
 2 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.  
 8 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  
 15 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.  
 19 Does that refresh your memory as to what  
 20 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

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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  
 17 a form of ownership of real estate?  
 18 A Yes.  
 19 Q And in order to create a condominium, the creator has to  
 20 own both land and buildings?  
 21 A Yes.  
 22 Q And you understood on March 19, 2009, the land of Little  
 23 Neck was owned by the Feoffees; is that right?  
 24 A Yes.

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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  
 11 and the cottage owners?  
 12 A Yes.  
 13 Q And the question for the School Committee on March 19,  
 14 2009, was whether they were, generally, in approval of  
 15 such a concept?  
 16 MS. BREWER: Objection.  
 17 A Yes.  
 18 Q And you understood, at that time, that the proposed price  
 19 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

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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  
 11 in favor of such an approach to sale?  
 12 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,  
 17 2009, after you had voted in the negative on November 20,  
 18 2008?  
 19 MS. BREWER: Objection.  
 20 A Because the School Committee had — it was clear that the  
 21 land was going to sell, that the School Committee was in  
 22 favor of selling the land. So, I was in the minority,  
 23 and at that point, it — I wasn't voting so much about —  
 24 I vocalized and made my position known about selling the

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1 land. From there, if there was a way to make it work,  
 2 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.  
 11 My first question is, do you have an independent memory  
 12 of what transpired at the School Committee meeting in  
 13 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,  
 20 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.  
 24 Now, does that refresh — does Korb Number

DEPOSITION OF: DIANNE A. ROSS

SHEET 7 PAGE 37

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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  
14 you have a lot that you can build on, that doesn't need  
15 approval. It just needs the signature. You don't need  
16 to do any subdivision or you don't need to do anything to  
17 the land. You've not subdividing it or anything. You  
18 have your frontage.  
19 Is that detailed enough?  
20 Q That's fine.  
21 A Okay.  
22 Q And you understood, on May 7, 2009, that the goal  
23 remained to net twenty million dollars from the sale of  
24 Little Neck?

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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  
6 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  
13 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  
18 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  
23 ever submitted to Town Meeting?  
24 A I'm picturing you standing up there. I don't remember.

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1 Q You remember some issue pertaining to the Feoffees coming  
2 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 Q 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  
24 trust being reformed?

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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?  
10 MS. BREWER: Objection.  
11 A Because it, obviously, wasn't working the way it was or  
12 we wouldn't have been — we wouldn't be here, right now.  
13 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  
17 Feoffees and the cottage owners, if there were different  
18 Feoffees?  
19 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.  
22 What did you mean? I, obviously, misunderstood  
23 what you meant.  
24 A All I meant was that there were issues that needed to be

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1 solved and things weren't working the way they were. So,  
2 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 Q 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  
10 were appointed?  
11 A Yes.  
12 Q Were you in favor of changing the way trustees were  
13 appointed?  
14 MS. BREWER: Objection.  
15 A Yes.  
16 Q Now, you were aware during this time of discussion, that  
17 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  
22 discussion of —  
23 A When I started on the School Committee and those  
24 discussions came up, I did not know.

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1 Q At some time, while you were a School Committee member,  
2 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  
11 changes in the trust, did you favor keeping Selectmen  
12 Feoffees?  
13 MS. BREWER: Objection.  
14 A Not the way it was set up, no.  
15 Q Did you favor keeping Life Feoffees?  
16 MS. BREWER: Objection.  
17 A No.  
18 Q What was your personal opinion as to how the appointments  
19 to serve as Feoffees should be made?  
20 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

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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  
10 should be determined?  
11 A Yes.  
12 Q Now, as a member of the School Committee, were you ever  
13 involved in budget discussions?  
14 A Yes.  
15 Q Did you understand that the Finance Committee and the  
16 Selectmen had roles insofar as the setting of the School  
17 Committee budget?  
18 MS. BREWER: Objection.  
19 A No.  
20 Q Take me through the budget process, generally-speaking,  
21 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  
24 on figures of projected figures from the state, federal

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1 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.  
11 The Budget Subcommittee met. The principals —  
12 the administrative team met and made their  
13 recommendations. We reviewed with them, and we presented  
14 it to the Fin. Com.  
15 We did not — we — I guess, to say the Selectmen  
16 had anything to do with our budget, saying our budget  
17 really isn't true. There were times we had to work  
18 together with them, at bean counting, which was the final  
19 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  
22 Committee, to iron out any discrepancies. Maybe we could  
23 cut from one side. It was a give and take between the  
24 School Committee — the town and the schools, at that

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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  
6 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  
12 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  
15 for enhancement of the Ipswich Grammar Schools, and the  
16 School Committee's stand on that was, that was  
17 enhancement above and beyond the regular running of the  
18 schools, to add programs and enhance the schools.  
19 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  
23 or debate, if anywhere?  
24 A I have no idea.

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1 Q Now, the School Committee budget would, ultimately, go  
2 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 Q The warrant article would contain recommendations of  
13 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  
22 the School Committee budget?  
23 A Yes.  
24 Q And in your experience, is it fair to say that the School

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1 Committee would line up on one side and the Selectmen and  
2 the Finance Committee would line up on the other side?  
3 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  
15 towards the Ipswich Public Schools?  
16 A No.  
17 Q Are you aware of the Life Feoffees acting out of any  
18 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?

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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  
13 benefit the family of Jim Foley?  
14 A No.  
15 Q Now, there has been a debate that you're aware of as to  
16 the contributions or distributions made by the Feoffees  
17 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  
20 about.  
21 Q Well, from 2003, when you first began on the School  
22 Committee, until 2006, every year, the Feoffees  
23 distributed monies to the public schools; correct?  
24 A No.

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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,  
10 have been made by the Feoffees during the time period  
11 prior to your becoming a School Committee member?  
12 A We were given a sheet, at one time, with all the  
13 distributions on it.  
14 Q Given a sheet by whom?  
15 A It was a handout, a School Committee handout at some  
16 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  
24 by one or more appraisers of the land at Little Neck?

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.  
14 I want to thank you for taking time out and  
15 coming in here, this morning.  
16 Attorney Brewer has the opportunity to inquire.  
17 MS. BREWER: Thank you.  
18 I have no questions at this time.  
19 MR. SHEEHAN: Very good. We're off the record  
20 and done.  
21 (Whereupon, at 12:00 P.M., the deposition  
22 concluded.)  
23  
24

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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  
13 called a prior non-conforming use of prior non-conforming  
14 structures?  
15 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  
18 not an expert. I'm not the Zoning Board, to say whether  
19 that is or isn't. I think, that's a — as they stand  
20 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?

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1 A I don't remember the exact number.  
2 Q Was there ever a discussion amongst the School Committee  
3 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  
15 deposition, which brings you here today?  
16 A Yes.  
17 MR. SHEEHAN: Could we have that marked,  
18 please, as Exhibit One?  
19 (Exhibit No. 1, marked; Notice of Taking  
20 Deposition of Dianne A. Ross.)  
21 Q Now, that notice of deposition asks you to review your  
22 files for documents that are identified in Exhibit Number  
23 One?  
24 Yes?

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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  
10  
11  
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19 Signed under the pains and penalties of perjury,  
20 this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
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22  
23  
24 Deponent's Signature

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1 CERTIFICATE  
2  
3 I, Brenda M. Nadeau, a Notary Public in and for  
4 the Commonwealth of Massachusetts, do hereby certify that  
5 the foregoing record, Pages 1 to 53, inclusive, is a true  
6 and accurate transcript of my System Tapes to the best of  
7 my knowledge, skill and ability.  
8  
9  
10 In Witness Whereof, I have hereunto set my hand  
11 and Notarial Seal this eighth day of November, 2011.  
12  
13  
14  
15  
16 Brenda M. Nadeau  
17 Notary Public  
18  
19  
20 My Commission expires: July 22, 2016  
21  
22  
23  
24

DEPOSITION OF: DIANNE A. ROSS

<p><b>*</b></p> <p>** [3] 3:6,6</p> <p>***** [1] 1:25</p> <p>***** [1] 1:25</p> <p><b>0</b></p> <p>01833 [1] 1:23</p> <p>01960 [1] 2:6</p> <p>02210 [1] 2:12</p> <p><b>1</b></p> <p>1 [3] 3:12 51:19 54:5</p> <p>1-978-766-7145 [1] 1:24</p> <p>10:30 [1] 1:21</p> <p>11 [3] 25:13 26:19 27:6</p> <p>12:00 [1] 52:21</p> <p>14 [1] 5:20</p> <p>16 [5] 19:7,9,21 20:5,11</p> <p>19 [10] 32:10,15,20,22 33:4,22 34:7,13 35:3,16</p> <p>1964 [1] 5:20</p> <p>1987 [3] 6:4 7:13,14</p> <p><b>2</b></p> <p>20 [7] 27:12,16,24 28:24 32:1,4 35:17</p> <p>2000 [1] 6:10</p> <p>2003 [11] 10:15,23 11:10,14,15 12:1,20,23 48:21 49:1,4</p> <p>2006 [4] 48:22 49:1,4,7</p> <p>2008 [16] 19:7,10,21 20:5,11,22 25:13 26:19 27:6,12,16 28:1,24 32:1,4 35:18</p> <p>2009 [24] 10:14,15,17 11:15 12:24 32:10,15,20,22 33:4,22 34:7,14 35:3,17 36:13 37:2,4,9,22 38:2,5,12 49:6</p> <p>2011 [3] 1:21 53:20 54:11</p> <p>2016 [1] 54:21</p> <p>22 [1] 54:21</p> <p>27 [1] 1:21</p> <p><b>3</b></p> <p>303 [1] 2:11</p> <p><b>5</b></p> <p>5 [1] 3:6</p> 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DEPOSITION OF: DIANNE A. ROSS

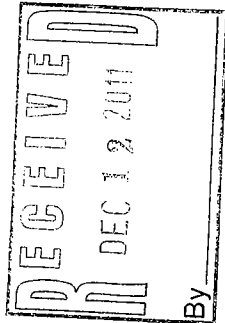
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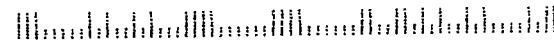


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## SIGNATURE PAGE FOR DEPONENT

I, Dianne A. Ross, do hereby certify that I have read the foregoing and that to the best of my knowledge said deposition is true and accurate (with the exception of the following desired changes listed below):

PAGE	LINE	CHANGE
------	------	--------

p. 13 ll. 10-11 "nothing out of" should be "just"

p. 15, l. 14 "do you" should be "did you"

p. 16, l. 21 add "vaguely" before "remember"


p. 44, l. 10 "out" should be "our"

p. 44, l. 13 add "to the School Committee" after "recommendations"

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.

Signed under the pains and penalties of perjury,

this 9<sup>th</sup> day of December, 2011.



Deponent's Signature

## SIGNATURE PAGE FOR DEPONENT

I, Dianne A. Ross, do hereby certify that I  
have read the foregoing and that to the best of my  
knowledge said deposition is true and accurate (with the  
exception of the following desired changes listed below):

PAGE LINE	CHANGE
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Signed under the pains and penalties of perjury,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Deponent's Signature