

1 Jaffrey Public Library Board of Trustees
2 Meeting Minutes – June 26, 2017

3 *A recording was made of the full public hearing. A full transcript is being prepared.*
4

5 Location: Town of Jaffrey Selectmen’s Conference Room

6 Board Members Present: Francis McBride, Pamela Armstrong, Pat Maclsaac, Nancy Clapp,
7 Emily Carr

8 Alternate Members present: Tammy Cummings, Travis Shattuck, Becky Newton

9 Also present: Julie Perrin, Library Director, Kelly Dowd, Town Counsel.

10 Audience: Members of the public, Employee Marilyn Simons and her legal counsel, Heather
11 Burns

12 The meeting was called to order by Chair, Francis McBride at 3:30 pm.

13 McBride presented the decision of the Board at a May 30th meeting to terminate the
14 employment of Marilyn Simons and the grounds for termination. He explained that this hearing
15 was at the request of Simons, introduced the rest of the board, and explained the procedure
16 that would be followed, including the presentation of evidence by Management - Julie Perrin,
17 Library Director, presentation by Marilyn Simons, and the opportunity for the public to make
18 statements.

19 Clapp made a motion at 3:33 pm to open the Public Hearing, per Statute RSA 202-A:17. The
20 motion was seconded by Armstrong. **Roll Call Vote to open Public Hearing:**

21 Fran McBride : Y

22 Pam Armstrong: Y

23 Nancy Clapp: Y

24 Pat Maclsaac: Y

25 Emily Carr: Y
26

27 Perrin presented evidence for the grounds for termination by reading from the personnel file
28 and calling witnesses for testimony. *A recording was made of the full public hearing. A
29 transcript is being prepared.*

30 At 3:44 pm Clapp motioned and Carr seconded a motion to conduct the hearing as an informal
31 public hearing and not adopt the NH Rules of Evidence.

32 Vote passed unanimously:

33 Fran McBride : Y

34 Pam Armstrong: Y

35 Nancy Clapp: Y

36 Pat Maclsaac: Y

37 Emily Carr: Y

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39 Maclsaac motioned and Carr seconded for the hearing to be recessed to make way for the
40 selectmen's meeting.

41 **Roll Call Vote to Recess:**

42 Fran McBride : Y

43 Pam Armstrong: Y

44 Nancy Clapp: Y

45 Pat Maclsaac: Y

46 Emily Carr: Y

47 **The Board recessed at 5:15 pm to change locations with plans to reconvene at 5:30 pm at the**
48 **Library Meeting Room.**

49 **5:35 pm Roll Call Vote to reopen public hearing after recess:**

50 Fran McBride : Y

51 Pam Armstrong: Y

52 Nancy Clapp: Y

53 Pat Maclsaac: Y

54 Emily Carr: Y

55

56 Attorney Dowd informed the Board that Attorney Burns had a request for Testimony under
57 Oath. Burns presented her request to the Board. The Board allowed comment by Dowd
58 regarding the request. Dowd indicated that statute does not require testimony under oath for
59 an administrative proceeding and indicated there already exists criminal liability for any false
60 testimony in a public hearing. He furthermore addressed Burns cross-examination requests,
61 indicating that the Board had already given substantial leeway to Burns for cross-examination.
62 McBride requested that Burns keep her questions to those related to Simons' performance,
63 rather than questioning the educational credentials of past directors.

64 Clapp motioned and Maclsaac seconded a motion not to require witnesses to testify under
65 oath.

66 Vote passed unanimously:

67 Fran McBride : Y

68 Pam Armstrong: Y

69 Nancy Clapp: Y

70 Pat Maclsaac: Y

71 Emily Carr: Y

72

73 Perrin resumed the presentation of evidence, followed by testimony from the public, cross-
74 examination by Burns and testimony by Simons. Before the close of the public hearing,
75 Attorney Burns presented her closing remarks.

76 *(A full transcription of the recording is being prepared.)*

77 Clapp motioned to close the public hearing at 8:57 pm. Maclsaac seconded and the vote was
78 unanimous to close the hearing.

79 Fran McBride : Y

80 Pam Armstrong: Y

81 Nancy Clapp: Y

82 Pat Maclsaac: Y

83 Emily Carr: Y

84

85 The Board recessed at 8:58 pm to consult counsel.

86 The Board returned 9:20 pm to deliberate in public.

87 The Board decided there was insufficient evidence for malfeasance, that Simons didn't
88 understand what she was doing due to technological skills.

89 The Board deliberated on the other charges of misfeasance, inefficiencies in duties, and
90 incapacity and unfitness for her job, finding sufficient evidence to support those charges.

91 Armstrong motioned and Maclsaac seconded a motion to terminate Simons' employment
92 pursuant to RSA 201-A:17 for misfeasance, inefficiencies in duties, and incapacity and unfitness
93 for her job. The vote passed unanimously.

94 A roll call vote to terminate Simons' employment:

95 Emily Carr: Y

96 Fran McBride : Y

97 Pat Maclsaac: Y

98 Pam Armstrong: Y

99 Nancy Clapp: Y

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101

102 **Motion to adjourn** at 9:43 pm made by Clapp, seconded by Carr. The Board votes unanimously
103 to adjourn at 9:43 pm.

104 **These minutes recorded by** Julie Perrin, Library Director.

105 *(A full transcription of the recording is being prepared.)*

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