

**MINUTES Approved November 12, 2015****LIBRARY BOARD OF TRUSTEES****TOWN OF PETERBOROUGH**

Tuesday, October 6, 2015 – 2:00pm

1 Grove Street, Peterborough, New Hampshire

**Present:** Chair Marcia Patten, Frank Karlicek, Laura Hanson, David Weir, Ron Bowman

**Also Present:** Corinne Chronopoulos, Nicole MacStay

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Chair Patten opened the public hearing at 2:16pm and read from the following prepared statement:

Good afternoon, everyone.

I want to introduce trustees, Frank Karlicek, Laura Hanson, David Weir, and Ron Bowman. I am Marcia Patten, trustees chair; Assistant Town Administrator Nicole MacStay will take the minutes of the hearing; reference librarian Brian Hackert and his attorney, Kenneth Barnes; Library Director Corinne Chronopoulos and her attorney Jim Callahan.

The trustees declare they can hear this matter with an open mind and without bias. Please nod if you agree with this. (All nodded).

This public hearing is being held at the request of Mr. Hackert. As is his right under New Hampshire statute RSA 202-A:17, this hearing will allow Mr. Hackert to present his case to the Peterborough Town Library Trustees on whether he should be dismissed from his employment at the library. This hearing is being held in public as required by statute.

The purpose of this hearing is for the Trustees to gather information on this issue so that they can determine whether Mr. Hackert should be removed pursuant to RSA 202-A:17. The Trustees take this issue very seriously and intend to ensure that it receives a detailed and thorough examination.

Before we start, I would like to ask for the witness lists.

Attorney Barnes says that he does not have a list prepared; a number of people from the audience announce their name. Attorney Barnes passed a notepad around to the audience. Chair Patten reminded Attorney Barnes that there is only one hour for his client's presentation. Chair Patten then returned to her prepared statement:

Before we begin the presentations of fact, let me read the rules established for this hearing. These rules were developed by the Trustees.

1. The NH law that authorizes this hearing is RSA 202-A:17. By statute, a library employee may only be discharged or removed from office by the Trustees for malfeasance, misfeasance, or inefficiency in office, or unfitness to perform the required duties. The Trustees previously informed Mr. Hackert of these possible reasons by letter. In this instance, the charge is: "malfeasance, misfeasance" ... and/or "unfitness to perform" the duties of Reference Librarian. Specifically, the allegations are that Mr. Hackert should be terminated due to the inability to communicate effectively and to establish positive public relations for the library.
2. The Chair of the Trustees, I will chair the hearing.
3. This hearing is for informational purposes. The rules of evidence will not apply to this hearing.
4. Only speakers authorized in advance to make presentations will be allowed to speak.
5. Speakers will be permitted up to one hour to make a presentation, which may include the submission of written documents and the testimony of witnesses. No cross-examination of witnesses will be allowed, except that questions may be submitted for any witness to the

Trustees and the Trustees will ask the witness those questions if the Trustees believe the question is helpful.

6. The Trustees will consider any memorandum submitted by Mr. Hackert or Ms. Chronopoulos by 4:00 p.m. on October 13, 2015 before they issue a written decision. The trustees decision will be delivered no later than October 23, 2015.
7. When a speaker is ruled out of order, the speaker's balance of time will be forfeited and the speaker will be expected to stop talking.
8. Trustee members will not respond to questions during the presentation of any speaker.
9. The Trustees reserve the right to alter the above procedures at this meeting in order to assure that the business of the meeting will be completed.

Those are the rules. Now we can begin the presentation of facts.

The facts that led to the proposal to dismiss Mr. Hackert originated with the Peterborough Library's director, Corinne Chronopoulos, who shall present now the basis for the recommendation to terminate.

At the conclusion of Ms. Chronopoulos' presentation, there will be time for questions from Mr. Hackert and the trustees. Then I will turn the hearing floor over to Mr. Hackert for one hour. He or his representative can make any presentations, including the testimony of witnesses, during that one-hour period.

At the conclusion of Mr. Hackert's presentation, there will be time for questions from Ms. Chronopoulos and the trustees.

Then we will adjourn the hearing.

The Trustees Board will send copies of its final decision to Mr. Hackert and his attorney. It will be their decision whether to release this information to the public.

Here, then is the report of the Library director.

Ms. Chronopoulos read from her prepared statement:

Good afternoon,

My name is Corinne Chronopoulos, I'm the Director of the Library. I have my Masters in Library Science and I started in the position in June 2014, previous to this role I was the director of the Pelham Public Library, where I worked for four years.

I moved to Peterborough last October, because I am invested and care about this library and this community.

We are here today as the Chair of the Board has said, in compliance with and pursuant to NH RSA 202-A:17 and Mr. Hackert's request for a public hearing.

Part of my job as a Department Head of the library, is to enforce policies and regulations so that the library may run efficiently. I have done that to the best of my ability in this case. This has been a process, it was not an arbitrary or rash decision, and it has been a culmination of events that have led to this point.

The employee handbook for the Town of Peterborough stipulates what my responsibilities are as the department head, it stipulates the types of disciplinary actions that may be issued and the reasons they may be issued. Generally speaking, as the Chair of the Board stated, we are working under the umbrella of RSA 202-A:17 and it states "no employee of a public library shall be discharged or removed from office except by the library trustees for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform the employee's duties."

The employee handbook also gives specific reasons for disciplinary action include misuse of town property, failure or refusal to carry out an official order or the directions of a supervisor, acts of insubordination toward any supervisory, and uncivil or discourteous attitude and the use of indecent, abusive, lewd, and slanderous language toward the public OR fellow employees. I would note that Mr. Hackert received the Employee Handbook and signed it most recently on October 23, 2014.

There have been several incidents that have required me as the department head to issue a disciplinary action to Mr. Hackert. I will outline them and read them as they are filed in his personnel file and in accordance with the reprimand procedure.

# 1

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Written Warning issued by library director Michael Price on January 27, 2014

“On several occasions, three staff members have complained to Linda and/or me about rude behavior on your part towards them. I have also noted less than proper behavior on your part in interactions with me. You claim you have not acted discourteously, but I believe the weight of evidence refutes that response. My discussion with you about your behavior is intended as a caution to you, and a request that you, in future, act more civilly to fellow library staff. Bad manners and incivility are counterproductive, and cannot be tolerated.”

# 2

On August 20, 2014 I observed behavior that was not acceptable and issued Mr. Hackert a verbal warning. The verbal warning documentation on file states:

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**Verbal Warning issued to Brian Hackert on August 20, 2014**

Brian was using the printer in the administration area at the machine near Assistant Director Linda Kepner’s desk. He became frustrated and loudly slammed and banged the printer for a few minutes. His behavior was unsettling for Linda and other employees in the room. I spoke with Brian and told him this was unacceptable. He was told our work environment would be respectful, safe, welcoming, and professional.

I also followed up with him on a very curt email he sent to one of our vendors. I emphasized the importance of being professional in all relationships with vendors.

Brian did not communicate very effectively during this conversation. He said sorry and left my office.

# 3

On December 11, 2014, I met with Mr. Hackert and issued him a verbal warning. The verbal warning documentation on file states:

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**Verbal Warning issued to Brian Hackert on December 11, 2014**

I spoke with Brian this morning about not responding to several of my emails.

Brian does not engage in any staff projects or provide feedback on any team initiatives. He regularly responds to NH Library Listserve emails (which is the email list that facilitates conversation between NH Librarians) but ignores emails from myself and staff.

I talked with him about the collection development project in the Reference Room and the goals we had made for this project. He said there was no progress.

He has not looked into the deep freeze project which he asked me to investigate several weeks ago. There had been no progress or response to this email.

He said he is behind on Interlibrary Loans. I told him we would look to find him assistance in the New Year.

I note that Brian responded mostly with one word to my questions and was difficult to communicate with. There is a stark contrast between how he responds to patrons and his own work vs. how he responds to the rest of the staff and other projects happening in the library.

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# 4

On February 11, 2015, Assistant Director Kepner, issued a verbal warning to Mr. Hackert regarding his uncivil behavior towards staff and outwardly aggressive behavior toward office equipment. Mr. Hackert was slamming and storming around the administration area before the library opened to the public. Ms. Kepner instructed him to be more courteous and respectful to staff and the equipment of the library.

After receiving Ms. Kepner's report, I had a follow-up conversation with Mr. Hackert and he was given a second verbal warning.

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# 5

Verbal Warning Issued to Mr. Hackert on February 11, 2014

*Filed as part of the probationary documentation on February 20, 2015*

In our conversation, we talked about his recent negative attitude and its effect on the team and myself. I indicated the major problem with Mr. Hackert's treatment of the staff and lack of positive contributions to my efforts to create a cohesive team.

We came up with a plan for Mr. Hackert to work on this issue and process stress before addressing issues with staff. We also reestablished open communication and I indicated my willingness to support Mr. Hackert in working towards being a team player.

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At this time, I would like to call Linda Kepner as a witness to read her statement.

Ms. Kepner was recognized by Chair Patten, and read from her prepared statement:

Good afternoon,

I have been on staff at the library for over 30 years. I'm here to testify to my own interactions with Mr. Hackert as well as to my knowledge of incidents involving staff and volunteers at the library. It is difficult to work with someone as uncommunicative as Mr. Hackert, who turns away from even a "good morning" greeting with a quick "hi" at most, and whose longest communications are harsh complaints and criticisms of his fellow staff members.

Mr. Hackert treats the staff as a nuisance rather than as team members. I witnessed this behavior for years under the former library director. I learned to cope with his behavior by avoiding him while he was in a fury and angrily storming through to make his copies or to find supplies. From what I have observed, the entire staff, from circulation assistants to high school pages, have learned to avoid Mr. Hackert.

There have been more than a few times when I, Lisa Cutter, and Lisa Bearce have witnessed Mr. Hackert having what can only be described as fits of rage. He swore so profusely and was so angry that we were very intimidated and concerned for our safety. This was especially true because his behavior was in front of our pages, who are high school students, and, who were not as used to coping with the problem as we were.

I had communicated to the previous library director on more than one occasion about uncivil behavior and damage to office equipment caused by Mr. Hackert. I was not involved in the outcome in any of their discussions and I did not see an improvement.

When library director Chronopoulos took over in June of 2015, she set expectations for a professional and respectful work environment.

What made working with Mr. Hackert increasingly difficult was that the personality Mr. Hackert reserved for staff was entirely different from the personality he exhibited while serving the public. Mr. Hackert would provide great service to the public, but at the same time he was surly and uncommunicative with staff.

He would represent himself as the sole provider of services, rather than representing the library. He would withhold information about what he was working on and fail to leave adequate information to the rest of the staff so patrons could be helped in his absence. The library is open 60 hours a week, and any librarian only works 40 hours per week. Other librarians would be sure the library staff could help patrons in their absence, but Mr. Hackert created a problem by keeping his work to himself. For example, he was providing homebound services to a patron but he never told anyone on staff. He seemed to have told the patron that it was a special service and she thought only he could provide it. It was inappropriate and unproductive for him to hide services he was providing to one patron.

It has been my responsibility to oversee new circulation desk employees, and during one training session, a circulation assistant told me that Mr. Hackert had corrected her on several occasions, and she felt afraid he would return to criticize her. She was intimidated by him and afraid of a confrontation because he would enter the circulation desk area with an aggressive stance and never greet her. He would quickly grab something she was working on and fix it but not explain what the problem was, though his body language clearly communicated disrespect. This circulation assistant had been working Saturday shifts for two years, and it was only after our staff meeting on October 12, 2014 that focused on a professional work environment that she spoke up to tell me she was never given a lunch break when she worked with Mr. Hackert.

On February 11<sup>th</sup> 2015, Mr. Hackert was in the workroom exhibiting aggressive behavior and smashing equipment. I took action and I told him I wanted to talk about his discourteousness. I asked him to treat the people who work here and the equipment with respect. His only reaction was to threaten to quit and spruce up his resume. I was so astonished at his response, and lack of care for his fellow workers that I replied, "Yes, I think you should." I reported to the library director and she went on to talk with him further.

Staff have expressed concerns to me that they feel threatened when he enters the work area because of his surliness, aggressive behavior, and lack of respect for his fellow workers. Most recently, many of the staff expressed their unwillingness to talk with the public who have been asking questions about his suspension and this hearing because they have real fears of retribution from Mr. Hackert.

A long-time library volunteer contacted me recently, she had heard he was no longer here and finally felt comfortable sharing feedback about her experience with Mr. Hackert. She told me of the first time she met Mr. Hackert, he hurried up to her, welcomed her, and asked how he could help her. When she told him she was a library volunteer, she said that the expression on his face actually changed and he made it clear she was not welcome assisting with library tasks. The volunteer told me that, afterward, whenever she met him in the library, he would make her feel like an unwelcome intruder. This volunteer was a previous library employee and well-trained to volunteer at the library.

There is a long-standing problem here that can no longer be unaddressed. I have worked with Mr. Hackert for 15 years and I have seen no improvement in his treatment of fellow staff, instead I've seen it become steadily worse.

Thank you.

There was a question from Att. Barnes regarding the questioning of Ms. Kepner; Chair Patten explained that questioning would be open after Ms. Chronopoulos finishes her presentation. Ms. Chronopoulos continued reading from her prepared statement:

On February 12, 2015, the day after these verbal warnings, I had the day off. I received the following email from Mr. Hackert,

These are his words and I will submit this email to the Board as part of this documentation:

“Hi, Corinne. I forgot to breathe today. I very much appreciated yesterday's talk and I do feel like you care, but all things considered it's probably time for me to make a fresh start in a larger environment where it'll be easier to blend in, and burn this bridge behind me. The next talk should probably be about how to at least stay here till I have another job and getting a good reference. I still have hope but I might be a hopeless case here.

Thanks.

Brian”

Upon returning to work on February 13, 2015, staff reported to me about an incident involving a window that was shattered by falling ice in the non-fiction stacks of the library. The incident happened while Mr. Hackert was at lunch and when he returned he was not happy with how the staff cleaned up the stacks. Linda Kepner called a buildings and grounds employee to assist. When the buildings and grounds staff person arrived on the public floor in the non-fiction stacks area of the library, he asked Mr. Hackert what he was doing. Mr. Hackert replied, “What the f\*\*\* does it look like I am doing.”

At this point Mr. Hackert had been issued four disciplinary actions. I brought the issue to the Chair of the Board for her review. After reviewing the record of disciplinary documentation and the details of this latest incident, it was clear Mr. Hackert was struggling with behaving in accordance with the employee handbook. He asked me for help to have a fresh start and I wanted to help him do that.

I presented Mr. Hackert with a plan to facilitate his resignation and a generous severance package, due to his 15 years of service. This package would ease his transition into a new role. I told him to take the weekend to consider this option and on February 17, 2015 Mr. Hackert accepted this plan verbally. We agreed the resignation would be made official during the next Trustee meeting during a non-public session on February 26, 2015. Mr. Hackert would work a final two weeks, in order to say goodbye to the public and finish up projects.

On February 20, 2015, Mr. Hackert reneged his resignation and the plan to attend the trustee meeting. He asked me if I would consider a different option and volunteered to attend an anger management course, available through the health insurance provided by the Town of Peterborough, and to fully commit to being a team player.

# 6

On February 20, 2015, I placed Mr. Hackert on disciplinary probation.

I would note that the probationary document issued to Mr. Hackert listed all previous warnings issued by the assistant director and myself including the verbal warnings issued on August 21, 2014 and December 11, 2014, and February 11<sup>th</sup> 2015. Mr. Hackert signed this document and offered no comments in the employee comment area, and was given a copy for his records.

The probation documentation stipulated the following corrective actions and expectations. I did not list anger management courses as a requirement but left that up to him to arrange through his health insurance.

**Written Warning issued on February 20, 2015**

**Required Corrections and Timeline for Corrections**

During your probationary period, you must demonstrate a dramatic improvement in your relationship with your coworkers, your support of team initiatives, and your verbal and nonverbal communication. Below are a series of corrective actions and new expectations that must be complied with immediately.

*Corrective Actions:*

1. Treat all staff with respect. This includes respecting their ability to do their job well, their supervisory functions over you and/or other staff members, and contributing to a healthy and pleasant work environment for everyone.
2. Be a positive and constructive presence at staff meetings.
3. Represent your coworkers and the library organization in a professional and positive way while working in the library, attending professional development events as a library employee, and participating in outreach events within the community of Peterborough.
4. Communicate issues with library procedures directly to supervisors. Do not say things like, "I'm not in charge" to patrons. Instead, communicate with supervisors so we can correct any inconsistencies with customer service. I will work with you to identify issues on the circulation desk and address those issues at staff meetings.
5. Respond promptly to any communication from your supervisors. I will make clear when I want feedback on something specific, but I also expect a level of response and "checking in" with me on a consistent basis.
6. Attend all Building Committee meetings and contribute positively towards the progress of this group.
7. Contribute to coverage of the circulation desk when required, including during lunch breaks

*Expectations:*

1. Begin working with me to split the interlibrary loan duties (ILL). I would like all outgoing ILLs and book club ILLs to be handled by another employee. ILL placed by our patrons will be your only ILL responsibility. We have established in the past that ILLs are roughly 50% of your workload. By shifting these two pieces of the task, this should decrease your workload by 25% and sufficiently enough that you may begin contributing to other projects.
2. I would like to see you transition to more roaming reference and having a presence at the circulation desk. This will include covering lunch hours occasionally, jumping in when the desk is busy, and generally interacting to assist colleagues with patrons on the floor.
3. Clean out your workspace and any unused files. I would like to streamline all areas of the library to look clean and professional. I will purchase any storage units or new office supplies you need to accomplish this task. (I had asked all other staff to work towards cleaning the library public desk areas of old stickers, papers, and to generally neaten up the library. Everyone had done this except for Mr. Hackert.)
4. Finish weeding reference collection by June 2015. This has been an ongoing project with little to no forward movement in the last six months. I would like to see it finished as soon as possible, and after you transition your ILL workload.
5. Halt all standing orders of reference materials. Please call all vendors. I will assist you with any information you need or copies of invoices. We will work together to strategize our plan for reference databases and print resources in the next year. Each resource needs to be justified for renewal going forward so we can optimize our resources.
6. Begin participating in collection development. I will assign a section of fiction for you to purchase monthly. I would also like you to begin participating in the deselection cycle for non-fiction.
7. Contribute to outreach projects including adult summer reading. I will meet with you and consider this a team project as we work to ramp up our service to the adult population. (These last two points were in response to conversations we had about the transition to adult services and the adult collection, rather than focusing solely on reference which had decreased substantially as service in the last ten years.)

8. Attend weekly one-on-one sessions, on time, and prepared to discuss your work and our strategy as a whole. I will work with you as you adapt to new expectations and provide clear communication and support toward your success.

**Consequences of Failure to Make Required Corrections**

If you fail to make and sustain these corrections, I will consider further disciplinary action, up to and including dismissal.

I placed Mr. Hackert on probation and was explicit in my listing of corrective actions and expectations because up to this point he had not shown any improvement to comply with the employee policies and standards for the library, which it is my job to uphold.

I discovered for example, an inappropriate email sent to a patron on February 19, 2015, just days after Mr. Hackert was given a warning for using profanity towards a coworker. I have the authority to review email as the employee manual stipulates on page 67. The email policy states, "Emails should be considered as if public, and a civic writing style should be developed. Temptations to concede to a casual style of communication should be avoided."

[Ms. Chronopoulos read from the email here—attached at end of document.]

# 7

At the end of Mr. Hackert's probationary period, I reviewed his performance with him and then the Board of Trustees. Our assessment at the end of his probationary period was that he had not made a dramatic improvement. Specifically, his probationary review noted nine areas that still needed improvement, including:

- Cooperation and teamwork, interaction with fellow employees
- Ability to establish priorities; adaptability to new or changed situations; flexibility
- Leadership ability; employee development and motivation skills
- Ability to control and evaluate performance of staff and subordinates
- Planning and organizing projects and deadlines; prioritizing appropriately
- Is supportive of change, offers suggestions, objective analysis and exhibits strong leadership in planning and implementing change
- Consistently meets deadlines for agendas, status reports, budget and other routine assignments

The decision was made to keep Mr. Hackert on probation for another three months.

The next incident transpired on July 29, 2015. Documentary filmmakers were here to do a spot on our library and its status as the first public library supported through taxation. During the interview, the Assistant Director and myself noticed he was behaving in a way that was not appropriate for his status as a professional librarian representing our town. He had been warned already about using profanity in the library and after pretending to fall down the stairs, the filmmaker asked him if he was okay, he replied, "F\*\*\* ya, I'm a hockey player."

# 7

On August 5, 2015 after discussing the matter with the Trustee Chair, Mr. Hackert was placed on paid suspension. The Board reviewed the matter on August 12<sup>th</sup> and voted to terminate Mr. Hackert.

We didn't come to this decision because of one incident, we followed a process. It's a very difficult personnel issue, as I realize Mr. Hackert is well liked by some library patrons and has given very good interlibrary loan and reference services.

But the issue at hand is a pattern of behavior that has warranted repeated disciplinary action.

It is my job as the library director to ensure the library runs well, and that **all staff are able to work in civil and courteous environment.**

The role of the reference librarian, as outlined in the job description, requires the ability to

- “communicate effectively both orally and in writing, to establish positive public relations for the library, and to interact effectively with a wide variety of people.”

The reference librarian,

- “provides leadership to the staff at all times. Occasionally manages volunteers. Carries out supervisory responsibilities in accordance with the Town of Peterborough's policies and applicable laws. Responsibilities include training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.”

As demonstrated by the lengthy record of disciplinary actions in this employee's record, Mr. Hackert has been unable to behave in accordance with Town of Peterborough employee policies and carry out his responsibilities as described in his job description.

As the library director, I have put my best foot forward in working to provide Mr. Hackert the tools and opportunities to change his behavior. I believe I have given him enough time to make those changes and his consistent violation of employee policy leaves me with no other choice but to recommend the Board of Trustees uphold their decision.

Thank you

Chair Patten then opened the floor to questions.

Attorney Barnes, addressing Ms. Chronopoulos, said that she gave a long list of areas of improvement that she wanted Mr. Hackert to make in the 2/20/15 timeline for corrections, is that right? Ms. Chronopoulos agreed. Attorney Barnes asked if Ms. Chronopoulos performed an employee evaluation on Mr. Hackert on 6/30/15; Ms. Chronopoulos said that she did. Attorney Barnes noted that Ms. Chronopoulos wrote that it covered the period from January 2015 through June 2015; Ms. Chronopoulos explained that is because when you review an employee it is on an annual basis; when they are on probation, you review for the probationary period. Attorney Barnes described the form, and pointing to the section entitled “Oral Communication” asked if Ms. Chronopoulos checked “satisfactory.” Ms. Chronopoulos said that she would have to see the original, since the copy she brought with her is partially faded. She said that for some of the fields she checked both “satisfactory” and “needs improvement.” Attorney Barnes asked why Ms. Chronopoulos had marked “poise with dealing with the public” as good and not superior; Ms. Chronopoulos replied that Mr. Hackert was selective with his approach to the public. Attorney Barnes asked if that was why she did not select “very good/superior”; Attorney Callahan said that this line of questioning is coming across as a cross-examination. He said that we have a situation where the Library has between 3,000 and 4,000 users, and approximately twenty people came to the public hearing on Mr. Hackert's behalf. Attorney Callahan asked if the focus of the questions could be narrowed. Attorney Barnes said that Ms. Chronopoulos' answers on the evaluation demonstrate her bias against Mr. Hackert. Attorney Barnes examined the remainder of the “Oral Communication” section of the employee evaluation in the same way, and Ms. Chronopoulos stipulated that in many instances she checked both the “satisfactory” and “needs improvement” boxes.

Chair Patten asked Attorney Barnes if he had any questions about Ms. Chronopoulos' testimony; Attorney Barnes said that his line of questioning is to show that though Ms. Chronopoulos said that she warned Mr. Hackert, her responses on the employee evaluation indicate that his performance was at least satisfactory if not better. Ms. Chronopoulos stated that as Mr. Hackert's supervisor she did not want to completely deflate him with a bad review, but wanted to show that he was making improvement, but also to show areas in which he still needed to improve or had not improved enough. Attorney Barnes said that there is nothing here (referring to the employee evaluation) that says that he needs improvement; Attorney Callahan said that it can all be backed up, and that the Board can get the full personnel file. Attorney Barnes said that Ms. Chronopoulos' response to him was that she was not more emphatic because she didn't want to deflate the guy, that she wanted to make him feel ok, but that is not what the document says. Attorney Callahan explained that there is a complete document there, and a narrative, where she states that he has made progress in several areas, including relations with the staff. It is complete; she took time to expand on her observations in the narrative.

Attorney Barnes referred Ms. Chronopoulos to page 5 of the employee evaluation, which includes the prior year's goals and revised goals; reading from the corrective actions as written in the notification letter; you indicated that he had improved satisfactorily in his treatment of all staff; Ms. Chronopoulos said that was correct. Attorney Barnes continued to review each of the points in that section, and Ms. Chronopoulos continued to agree that Attorney Barnes had read those points correctly as written, reiterating that she felt it was important to continue to be supportive of the progress Mr. Hackert has made. Chair Patten asked if there was a question; Attorney Barnes said yes, and that he wanted to know how Ms. Chronopoulos could justify keeping Mr. Hackert on probation, since she had indicated that he was performing satisfactorily. Ms. Chronopoulos explained that when she reviewed this evaluation with the Library Board of Trustees, they agreed that there were nine areas that still needed improvement; Attorney Callahan referred Attorney Barnes to page 4, where six areas on that page alone were marked as "needs improvement."

Attorney Barnes asked if Ms. Chronopoulos was aware that Mr. Hackert had never received a written warning; Ms. Chronopoulos said that the statement was not true, and that Mr. Price had written up Mr. Hackert. Attorney Barnes began reading from a document; Attorney Callahan said that Attorney Barnes would have the opportunity to testify when it was Mr. Hackert's turn to present his case. Chair Patten stated that all of the documents provided were part of the record already.

Attorney Barnes said that many of Ms. Chronopoulos' complaints about Mr. Hackert were about him showing a lack of respect for office equipment, however Mr. Hackert has never broken any equipment. Ms. Kepner said that she could answer this question. There was some discussion about who could answer questions; Chair Patten said that the Trustees would hear from Ms. Chronopoulos first, and then Ms. Kepner. Ms. Chronopoulos said that she had only been the Library Director for two months on the day she wrote Mr. Hackert up, he smashed the printer around and he was being aggressive and rude in the staff area. She said she heard it in her office and that it was very unsettling for the staff. After speaking with Mr. Hackert she followed up with the staff. They were upset, but they were used to coping with that behavior, and they said that it was affecting their performance because they were intimidated by his behavior; he was smashing equipment right in front of them.

Attorney Barnes began to pose a question to Ms. Chronopoulos but was interrupted by Attorney Derosier, who said that the Trustees wished to hear from Ms. Kepner first. Attorney Barnes said that he was opposed to the procedure. Ms. Kepner testified to an incident thirteen years ago when a typewriter was smashed after the close of library hours when Mr. Hackert was the only staff person in the building; Mr. Hackert was given a written warning at that time, and was required to pay for the repair of the typewriter.

Attorney Barnes asked Ms. Chronopoulos if the printer was broken; Ms. Chronopoulos replied that she did not believe that the printer suffered irreparable damage. Attorney Barnes asked if she was changing her testimony; Ms. Chronopoulos said that the printer was slammed, and Mr. Hackert was written up for abusing office equipment. Attorney Barnes asked what Ms. Chronopoulos' definition of "abusing office equipment" is; she replied that he treated the printer in a way that he would not treat his own equipment, and that she could hear the printer being slammed from her office. Attorney Barnes asked if it was true that Mr. Hackert

was only slamming the paper drawer. At this time Chair Patten announced that Attorney Barnes had five more minutes, and then the Trustees would ask some questions.

Attorney Barnes said that Ms. Chronopoulos spoke earlier about Mr. Hackert felt so bad about something, a mistake he made on February 11, 2015, that he said that he should quit and spruce-up his resume; that he had been a person that had acknowledged his errors and brought them to Ms. Chronopoulos; Ms. Chronopoulos responded that other staff had told her of the incident, and then Mr. Hackert came to her. Attorney Barnes said that Mr. Hackert was someone who would work to improve himself; Ms. Chronopoulos said that Mr. Hackert stated in his email that he felt it was time to move on and “burn this bridge”. Attorney Barnes asked if she thought he was despondent; Ms. Chronopoulos said that she would not try to guess how he was feeling. Attorney Barnes asked if they had talked openly; Ms. Chronopoulos said that they had spoken the day before about his relationship with the staff. The next day he told someone to “f\*\*\* off,” and then she received his resignation letter. She said that she spoke about it with the Library Board of Trustees and the Town Administrator. He was offered a severance package and given the weekend to think about it. Mr. Hackert accepted the severance package, and then reneged. Chair Patten announced that the five minutes were up.

Chair Patten asked Ms. Chronopoulos how Mr. Hackert’s actions have affected the staff and library services; Ms. Chronopoulos replied that his colleagues have struggled with working with him and feel intimidated by him. Mr. Hackert communicates well with the public, but intimidates the staff. She said that she had weekly conversations with Mr. Hackert about how to turn that around, but the workplace culture remained poor. She gave an example of how in staff meetings when others in the meeting were excited and engaged, Mr. Hackert would sit back from the table, looking away and not contributing. With regards to services, Ms. Chronopoulos said that if the library cannot have a cohesive team working together then it cannot move to the next level of offering adult services. She said that Mr. Hackert was not a team player working with others to serve all patrons.

Mr. Weir said that his recollection of Mr. Hackert is someone who really was a tremendous asset to the community, and much appreciated, and he thought it was worthwhile to consider fully, which he was not sure had been done. These include his contributions to public computing and his skill as a technical reference librarian. Mr. Weir said that these qualities need to be more fully recognized, and have been recognized by the people in the audience.

Chair Patten announced that there would be a five minute break before Mr. Hackert’s testimony would be heard.

Attorney Barnes announced that he intended to call on Mr. Hackert to discuss some issues. First he wanted to discuss the incident when some filmmakers came to the Library to make a film about the history of the Library. He asked Mr. Hackert how that came about. Mr. Hackert said two independent filmmakers from San Francisco, who contacted Ms. Chronopoulos because they wanted to film at the Peterborough Town Library. Ms. Chronopoulos asked Mr. Hackert to speak with them. He said he had an interview with them on the front steps; and they asked about the history of the Library which he said is one of the most common reference questions that he gets. He related the story of the first time he got that question and didn't know it was the oldest tax supported public library in the world. Mr. Hackert said that after they were done filming, Dawn, one of the film makers, asked him to go inside for a staged shot where he would walk out of the front door and stand on the front step, like *Petticoat Junction*; being a big TV fan, he thought it would be funny if he fell down the stairs and jumped up real quick and jump up like Dick Van Dyke. He said he did that and slipped on the grass, and jumped up, and said he was all right. The filmmakers didn't know he was going to do the stunt, and that everyone here knows what he said. Mr. Hackert then read an excerpt of the notes taken by Ms. MacStay at the meeting of August 5, 2015 with Chair Patten and Ms. Chronopoulos:

There was some discussion about their individual interpretations of how the filmmaker reacted to the falling down the stairs incident; in summary, Mr. Hackert said that his recollection was that the filmmaker wanted him to pretend to fall down the stairs again and that she said that someone [should/would] find it funny. Ms. Chronopoulos said that she

recalls that the filmmaker was very uncomfortable, and that when Mr. Hackert asked the filmmaker if she wanted him to pretend to fall again, she appeared to be reacting to an awkward situation. Mr. Hackert disagreed with Ms. Chronopoulos' recollection, saying that it was her interpretation.

Attorney Barnes questioned Mr. Hackert about his relationship with the filmmakers; he said that they had had a conversation about New Orleans earlier, and he felt that they knew each other. Attorney Barnes asked Mr. Hackert if he had followed-up with the filmmakers; Mr. Hackert said that he did, and Lucy responded via email, asked if he had seen the thank-you letter that they had sent to thank Mr. Hackert and the rest of the staff, and suggested that he get a copy of that letter. Mr. Hackert said that on Monday (10/5/15) he asked Ms. Chronopoulos for a copy of the letter, but she had not provided it. Attorney Barnes asked the Trustees to order Ms. Chronopoulos to provide that letter to the Trustees and to Mr. Hackert, adding that he thinks it is very relevant, since in his opinion the issue that made Ms. Chronopoulos decide to fire Mr. Hackert was this very prat fall. Attorney Callahan said that the prat fall had nothing to do with Ms. Chronopoulos' decision. Chair Patten asked Ms. Chronopoulos to provide the thank you letter to the trustees at her earliest convenience.

Attorney Barnes asked if Mr. Hackert thinks that Ms. Chronopoulos has exaggerated. Mr. Hackert said that he does, and that words that she used like "aggressive" "angry" and "hostile" are gross exaggerations. He suggested that he could be "bumpy" and that he has a gruff personality, which he believes comes from being a protectionist. He said that when he slammed the printer drawer it was because he was frustrated at making a patron wait too long, and that he sometimes gets frustrated and slams the drawer because he is waiting. Attorney Barnes asked about his interactions with staff; Mr. Hackert said that he can be condescending towards the staff when he does not think that patrons are being served, and that he does not think that the staff take the correction well.

Attorney Barnes then asked Mr. Hackert to read from an email that Ms. Chronopoulos sent him on April 2, 2015. In the email Ms. Chronopoulos admonishes Mr. Hackert for not informing her that he was going to be interviewed as part of the NHPTV documentary on Peterborough. Attorney Barnes asked if it is this Mr. Hackert's recollection that Ms. Chronopoulos was upset about not being included in the TV project; Mr. Hackert said that it was, and he could understand that, but he didn't even know that he would be included in the TV project. Attorney Barnes said this email from Ms. Chronopoulos complains that you didn't let her know you were being interviewed; Mr. Hackert explained that at the time it happened, he came to give moral support to Muffy Ames, and the filmmakers talked him into being interviewed; they interviewed me for a while, and I told the history of the Peterborough Town Library; the same kind of story he told Dawn and Lucy. He said that it was all pretty spontaneous, but wasn't shown in the TV broadcast anyway. Attorney Barnes said that Mr. Hackert was himself surprised; Mr. Hackert said that he didn't have advanced notice to give, and that he didn't think his position as a librarian qualified him to be a part of the program, which he thought was going to be voices from the community. He said that he and Ms. Chronopoulos talked about it, and he explained it to her then, but he didn't think that she believed him.

Attorney Barnes showed Mr. Hackert two letters to the editor, and ask if he had seen them before; Mr. Hackert said that he knows Susan O'Brian well, and Andrew Roth he doesn't remember, but he was evidently a resident of the MacDowell Colony. Mr. Hackert then read both letters aloud.

Attorney Barnes said that they have a written statement from Margaret Naylor, which he then read aloud. He then asked Mr. Hackert to tell the Board why you enjoy so much doing the job of research librarian, and how you feel about your interaction with the book clubs and this job. Mr. Hackert said that the thing he feels is so great about this job is that he feels that he is contributing to society through this job, and the great thing is that he can help others fulfill their purpose through this job. Woody Guthrie self-educated through his library; giving people regardless of their class or economics can improve themselves; a smarter community comes from their library.

Chair Patten said that the Trustees are asking Mr. Hackert and his attorney to caucus with their witnesses and come up with a summary of their statements, and asked if they would be amenable to that plan. Attorney Barnes said that he intended to call on each person in order for the remainder of the hour. Attorney Derosier said this was not intended to be a public forum; that the Trustees have particular issues to decide under RSA 202A-14; the purpose was to discuss the particular issues at present. Attorney Barnes said that Ms. Chronopoulos turned over her time to a witness. It was noted that Ms. Kepner was speaking for many people. Attorney Callahan stated that he and his client surmise that these people will want to speak to their positive interactions with Mr. Hackert, and we do not object; but we want to do some quick questions of Mr. Hackert. Chair Patten explained that the Trustees and those assembled have to be finished at 4:30pm due to a scheduled meeting in the same meeting room. She said that the Trustees would like to have the cross examination of the testimony at this point. Ms. Chronopoulos will have questions and the Board will have questions.

At this time many of those assembled in the audience began to disrupt the proceedings. Chair Patten warned those in attendance to remain quiet or they would be asked to leave.

Attorney Callahan asked Mr. Hackert if part of his job position encompasses a leadership role for staff; Mr. Hackert said that he is to provide training and be a role model. Attorney Callahan asked if he has any management responsibilities; Mr. Hackert said that he is not an official supervisor that he has trained staff in skills and taught them various skills. Attorney Callahan said that Ms. Chronopoulos sent him a job description in June that does talk about supervisory responsibility; Mr. Hackert said that his only management role is to help staff that doesn't know as much as he does about a particular topic.

Attorney Callahan said that he has a copy of the Town of Peterborough's employee manual, and said that in Section 14.1, the disciplinary provision, one criteria says that disciplinary action can be taken for "uncivil or discourteous attitude and the use of indecent, abusive, lewd, and slanderous language towards the public or fellow employees, including harassment and discrimination." He then asked if Mr. Hackert ever used profane language. Mr. Hackert said that he did and that it was a descriptive word, like to Marty (Marty Early, Custodian) he said "Fucking A, what does it look like" – he said that he has done everything from plunging toilets, and jumping cars. He said that he apologized to Marty the next day, and Marty replied "fuck if I care."

Chair Patten asked in general, would Mr. Hackert describe how he feels about his relationship with other library staff members; Mr. Hackert replied casual, tentative, and that he doesn't feel that he is friends with most of them, except for Lisa Bearse with whom he can be "pretty buddy-like." He said that he doesn't talk about his personal life at work, his weekend or his feelings. Chair Patten asked what is your tone for mistakes that the staff make; Mr. Hackert said that it depends on the person or the mistake; small mistakes made by a circulation person, he is tolerant, and he explains. But when someone who is a supervisor and has a rank, neglects to do something that is extremely obvious, he feels he needs to make it more emphatically than a page who shelves a book. Chair Patten asked if Mr. Hackert has a supervisory position; Mr. Hackert said that he did not. Chair Patten said that earlier Mr. Hackert said that things that are bumped; Mr. Hackert explained that when he is dismissed he clams up, and he doesn't want to talk about it; so people think he is cold, but he doesn't want to go down those roads.

Mr. Karlicek asked Mr. Hackert how he feels about being on the team that Ms. Chronopoulos is trying to form, or does he feel that the Research Librarian is separate; Mr. Hackert said that he doesn't think that it is separate, and that he has to show others how I've gotten answers to people who have asked questions from distance or by email. He said that he has spent a lot of time with Anne Harrison on how to do inter-library loans, and showed her the tips and secrets he has developed over fifteen years, and was not afraid to provide all the info that she would need even if she didn't need it right away. Mr. Karlicek asked Mr. Hackert for his response to Ms. Chronopoulos' statement that you had not been very responsive to her communications or her emails, and that you were much more responsive to those outside than inside the organization. Mr. Hackert said that many of her emails were not questions, they were statements asking for thoughts, and he didn't always have any thoughts to provide, just like in staff meetings. He thought that for the most part there is an exaggeration there, like with most of this stuff. One of the official documents said many emails, another said several, and said that he would say a few. He said that he and Ms. Chronopoulos are sitting six

feet apart all day long, as opposed to a list serve that is an electronic bulletin board across the state. He said that he didn't feel he could ignore her. Attorney Barnes said that the performance evaluation says that Mr. Hackert had improved to responding to emails. Mr. Hackert added that he felt he was showing improvement though he agreed it wasn't dramatic.

Attorney Derosier asked if Mr. Hackert did smash the typewriter as Ms. Kepner stated; Mr. Hackert said yes, he did in 2003, that it wasn't a secret, it was repaired, and he was charged for the repair and was reprimanded by former Library Director Michael Price.

Hearing no other questions from the Trustees, Chair Patten gave Mr. Hackert the balance of the time to call forth witnesses.

Randolph Brown said many of the points he wanted to bring up have already been answered. He wanted to ask one question of the Trustees; the definition of malfeasance; Mr. Hackert has been charged with malfeasance and using profanity. Mr. Brown then defined malfeasance as an illegal act, and asked what laws has Mr. Hackert broken; Chair Patten explained that the Trustees have not acted based on malfeasance, that was read because that is what the statue says, but said that he hasn't broken any laws. Mr. Brown continued, saying that he has been charged with profanity; the word we all know and everyone has been used; it is not profane, which is against religion, and against god, which he hasn't done. That word appears several times in many books on the shelves of the library and is part of modern culture; it slips out, and he is not going to let it slip out now; the whole thing has been blown out of proportion. He said that he would go on, but that is a given.

Ted O'Brian said that he is a patron of the library; he had intended to read the Dr. Roth letter into the record. He said he thinks it is important to note that it was signed by Dr. Roth, MFA; the letter speaks to the lengths that BH goes to get the patrons the material they need but also more than they request. The Poe grant included an endowment to get everyone who participated a complete volume of Poe's work. He also delivered a lecture of Poe better than that he has heard from any other. The point is that Mr. Hackert goes above and beyond when it comes to library services and patrons. He has a rare talent for both books and people. His loss would be irreparable.

Carl Madzino said that Mr. Hackert has helped him in the reference room; he makes a good presentation, and goes on and organizes the discussion in the way that is sensitive to the interests of the reading group

Muffy Ames said that Brian and she have been great friends because she has known him for twelve years; she wanted to do historical research on the history of Peterborough, and she has been in the papers on the Boccelli garden. She said that he has never shown a cross word, and been so kind and helpful. he taught her how to do the microfilm machine upstairs, and because of him she got so much information on the Ames and Boccelli family in Peterborough - he has made her life interesting and wonderful.

Susan O'Brian said she wrote the letter to the editor supporting Mr. Hackert. She came from a family of librarians, and has been on staff at the Kennedy library. Her point was that from the Town of Peterborough and from the human resources page on the town's website: "The Town of Peterborough has many goals, one of which is to attract and retain the most qualified individuals for the various positions available. Another goal is to maintain, manage and motivate our employees. We provide a positive and secure employee/employer relationship." She said that she is asking the Trustees to honor this pledge, and go back to providing a supportive culture. She couldn't believe that a library of this size would have this talent.

Jo Putnam said she met Brian shortly after she moved here. He would go down into the dusty cellar to get books she couldn't believe. She was researching something at the time. She said they had a time that they shared comic relief. I also support Ms. Chronopoulos, and that she has been very gracious; I think it is sad that she has had to face this for whatever reason. I would like to see a win/win situation where no one loses.

Kathleen Allen said that when she first met Mr. Hackert he was really rough and gruff because new rules came down. She said that she doesn't like the "f-word" herself, and that she heard two town staff talking, and that one of them flipped out the "f-word" while in uniform. She said that she has been told that there is another staffer at the library who is rough, and was told by a staffer at the library that to stay out of what is happening for her own good. She said that she doesn't like what is happening to our library.

A woman who identified herself as Vivian said that one thing that has not been addressed is that anyone who has worked with the general public knows that if you can't let your hair down with the other staff members you cannot. Most people would not have the patience that he has with patrons. It's the staff who cannot deal with a little of his stress.

Mark Wisan said that among other degrees, he has a degree in management from the Sterns School. He said that he sees this as a management problem, and not a personnel problem with Mr. Hackert.

He said that he thinks that Ms. Chronopoulos' lawyer is correct; we have said enough that people love Mr. Hackert and he's great; people love Ms. Chronopoulos and she's great. What makes Peterborough wonderful is this library. Mr. Hackert has brought it to the job; he has become because of the library, and the way that he can find out and make connections and information; it is a valuable resource. He thought this wasn't considered. He thought that Ms. Chronopoulos was looking strictly through a management perspective that it is a management perspective; it is not for me to discuss with the Board, but it is a management position.

Anne LaPointe said they call her the woman that never leaves town; why, I'm in paradise. Ms. Chronopoulos is an amazing director; every change she has made makes sense, including taking out movies for two weeks. She said that she loves this man [Mr. Hackert], she has called him god because he hasn't let her down. This library is not the oldest in America - this is the first free, tax supported public library in the world. This man has gotten himself to a place of joy. That is what makes it so hard. It is called law of attraction; if he is a high frequency of joy, it will be hard for people to be in contact with him. He finds everything she has ever asked for. We all get what we need, always.

Ken MacDonald said he has been a resident for 25 or so years. 180 years ago, Rev. Abbott started a great social experiment that has been spread around the world. Mr. Hackert is a personification of that experiment. He is warm and welcoming. He has been unfailingly courteous; one thing that shows the great attraction; we have members of our book club from Keene, Manchester, Wilton and Hancock; they are here because of him, and his influence. If you go ahead with this action to relieve him of his duties, and I think the next order of business is to go out to the signs and say that it is an ok place to live.

Chair Patten noted that it was now 4:30pm, and that the hearing was concluded.

Respectfully Submitted,

Nicole MacStay, Assistant Town Administrator