TOWN of HANOVER
NOTICE OF PUBLIC MEETING
SELECTBOARD
Monday, February 10, 2020 at 7:30 PM
Board Room, Municipal Building
41 South Main Street, Hanover, NH

AGENDA

1. Public Comment

2. Social Service Agency Presentations: FY 2020/2021 Funding Requests

3. Continued Discussion of Proposed "Welcoming Hanover" Ordinance

4. Review and Discussion of the Hanover Garden Club Memorandum of Understanding

5. Acceptance of Donations:
   a. The Mike Whitcomb Memorial Fund in Memory of Captain Mike Whitcomb for the Hanover Fire Department in the amount of $711.46
   b. Orson L. St. John, Jr. for the Hanover Fire Department in the amount of $100.00

6. Recommendation to Appoint Additional Ballot Clerks for Tuesday, February 11, 2020

7. Appointments:
   a. Planning Board
   b. Deputy Town Clerk

8. Approval of Minutes – January 27, 2020

9. Banner Requests – The Hanover Improvement Society – Storrs Pond Recreation Area

10. Administrative Reports

11. Selectboard Reports

12. Other Business

13. Adjournment

Hearing enhancement equipment is available for use by the public.

A non-public session will begin at 6:00 p.m. to discuss items pursuant to RSA 91-a:3, II (a), (c) and (e)
MEMORANDUM

TO: Selectboard Members
FROM: Julia N. Griffin, Town Manager
DATE: FEBRUARY 7, 2020
SUBJECT: Information for the Selectboard for February 10, 2020

Social Service Presentations: FY 2020/2021 Funding Requests

This year we are in receipt of ten (10) funding requests from local social service agencies for FY 2020/2021. All ten agencies have been invited to make brief presentations to the Board on Monday evening, in advance of the formal budget hearings in early March. We have attached a copy of each of their funding requests for your review prior to the meeting.

Continued Discussion of Proposed “Welcoming Hanover” Ordinance

The initial discussion of the proposed “Welcoming Hanover” ordinance was on the agenda for the January 27, 2020 meeting. After a presentation and discussion, it was determined that this topic warranted additional information and discussion and it was requested for a continued discussion to be placed on your agenda for Monday evening. Since that time, I prepared a second draft which is a combination of the Police Department General Order and has also incorporated some of the items desired by the supporters of the proposed Welcoming Hanover Ordinance which were not included in the HPD General Order. That second draft is attached for the Board’s review.

This draft has been reviewed by both Laura Spector-Morgan, our Town Counsel and Charles Bauer, the attorney who advises us on all civil and criminal police matters. They had some concerns about some of the components of the proposed Welcoming Hanover ordinance which results in the document before you for discussion. Just as with Bernie Waugh, City Attorney for the City of Lebanon, neither Laura Spector-Morgan or Charles Bauer felt inclusion of a warning requirement was either appropriate or legal. As such, I have removed that section from the second draft.
**Review and Discussion of the Hanover Garden Club Memorandum of Understanding**

I have attached a revised MOU with the Hanover Garden Club which reflects their new location in their greenhouse now situated adjacent to the Water Filtration Plant on Grasse Road. I would ask the Board to authorize me to sign this document on behalf of the Town.

**Acceptance of Donation from The Mike Whitcomb Memorial Fund in Memory of Captain Mike Whitcomb for the Hanover Fire Department in the amount of $711.46**

The Town received a check from The Mike Whitcomb Memorial Fund in Memory of Captain Mike Whitcomb in the amount of $711.46 on behalf of the Hanover Fire Department. Town staff would ask the Board to accept the donation on Monday evening.

**Acceptance of Donation from Orson L. St. John, Jr. for the Hanover Fire Department in the Amount of $100.00**

The Town received a check from Orson L. St. John, Jr., in the amount of $100.00 for the assistance provided by members of the Hanover Fire Department. Town staff would ask the Board to accept the donation on Monday evening.

**Recommendation to Appoint Additional Ballot Clerks for Tuesday, February 11, 2020**

I have attached a list of additional election workers that have agreed to assist Town staff with the upcoming Presidential Primary. Staff recommends that the Board appoint these individuals.

**Appointments**

Planning Board – Jarett Berke has indicated his desire to become a member of the Planning Board. The Planning Board has an opening for an alternate member. Additional information regarding Mr. Berke’s request has been provided in your Friday packet.

Deputy Town Clerk – Jill Terman Potter has indicated her desire to serve as Deputy Town Clerk as an immediate replacement for Charlie Garipay.

**Banner Request**

I have attached a banner request from the Hanover Improvement Society for the Storrs Pond Recreation Area overhead banner to be hung from March through June when no other banner is scheduled to be hung. As there are no specifics dates for this request, if approved by the Board, we can accommodate this request.
ORDINANCE #37

TOWN OF HANOVER
ORDINANCE OF THE SELECTBOARD

The Selectboard of Hanover, New Hampshire, ordains as follows:

Fair and Impartial Policing

Declaration of Purpose:

The purpose of this Ordinance is to prevent biased policing and other discriminatory practices in any law enforcement-related activity involving an officer of the Hanover Police Department.

While this Ordinance is intended to ensure that Department members honor the human and constitutional rights of those with whom they come into contact, nothing in this directive shall be construed to prevent Department members from engaging in lawful police activity, including ascertaining the identity of persons lawfully detained or arrested for criminal conduct, or to confirm or dispel reasonable suspicion of criminal conduct concerning any violation of state or federal law.

This ordinance may not be implemented if it is in conflict with any State and Federal law, including but not limited to, employment law (as it relates to employees of the Town of Hanover), state law related to RSA, 91-A (the Right-to-Know Law), or freedoms of speech, religion, association, or any other individual rights. This local ordinance may not override any state or federal law.

Title:

This Ordinance shall be known and may be cited as the "Fair and Impartial Policing Ordinance of the Town of Hanover."

Authority:

NH RSA 39:3 and RSA 47:17.

Preamble:

As a community dedicated to welcoming diversity, the Town of Hanover affirms the human and civil rights of all people.

Within that context, it is the policy of the Hanover Police Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions. In addition to respect for those human rights prescribed by law, Department members will treat all persons with the courtesy and dignity that is inherently due every person. Department members will act, speak and conduct themselves in a professional manner, and, whenever possible, maintain a courteous, professional attitude in all contacts with the public.
In the absence of any specific report of criminal conduct or reasonable suspicion of criminal conduct, the actual or perceived race, ethnic background, color, age, gender, sexual orientation, gender identity, religion, economic status, cultural group or any other identifiable group of any person will not be the basis for the detention, interdiction or other disparate treatment of any individual by any member of the Department.

The Town of Hanover and its law enforcement officers recognize and affirm that:

1. If an individual is undocumented in the United States, it is not a crime; it is a civil matter.
2. Department officers may not stop, detain, arrest, or otherwise hold an undocumented individual, absent reasonable suspicion of criminal conduct.
3. If an undocumented individual is stopped, detained, arrested, or otherwise held based on reasonable suspicion of criminal conduct, the individual shall be processed in the ordinary course of the law enforcement conduct and the criminal judicial system; and the individual shall not be detained or otherwise held any longer than otherwise necessary in the ordinary course of law enforcement conduct and the criminal judicial system.
4. If an undocumented individual is stopped, detained, arrested, or otherwise held based on reasonable suspicion of criminal conduct, Department officers must treat that individual in the same manner as any other individual would be treated for similar criminal process.
5. Department officers may not contact, or otherwise notify, ICE about the undocumented individual based solely on an individual's undocumented status.

Definitions:

**Biased Policing:** The arrest, detention, interdiction, or other disparate treatment of an individual, without reasonable suspicion of criminal conduct, on the basis of the race, ethnic background, age, gender, sexual orientation, gender identity, religion, economic status, cultural group or other identifiable group of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific criminal suspect whose racial or ethnic status is part of the description of the suspect.

**Reasonable Suspicion** of Criminal Conduct: Also known as “articulable suspicion” of criminal conduct. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

Police Procedures:

I. Prohibition of Biased Policing

A. Biased policing of individuals by officers of this department is prohibited.

B. Stops or detentions based solely on race, ethnic background, age, gender, or sexual
orientation, gender identity, religion, economic status, cultural group, or any other prejudicial basis by any officer of this department are prohibited.

C. The detention of any individual, which is not based on factors related to reasonable suspicion of a violation of state and/or federal criminal law, or any combination thereof, is prohibited.

D. Officers will not use actual or perceived race, ethnic background, age, gender, sexual orientation, gender identity, religion, economic status, cultural group or other identifiable group of such individual as the sole basis for developing reasonable suspicion or grounds for a traffic or street stop, or in deciding upon the scope and substance of post-stop action.

E. Officers must be able to clearly articulate the specific law enforcement or public safety purpose of any traffic stop or other contact.

F. When determining if reasonable suspicion exists for a stop, search or detention, or when developing probable cause for an arrest, officers may consider the factors above, when one or more of those factors are part of the description of a known or suspected criminal offender wanted in connection with a specific criminal or suspicious incident based on a credible report.

G. Asset seizure and forfeiture efforts will be based on violations of state and/or federal law, or any combination thereof; and shall not be motivated by race, color, ethnicity, age, gender, sexual orientation, gender identity, religion, economic status or cultural group.

II. Matters Relating to Immigration and Citizenship Status:

A. The Hanover Police Department presently lacks the legal authority to enforce non-criminal civil violations of federal immigration law.

B. An individual’s presence in the United States without proper documentation or authority, standing alone, is not a criminal violation.

C. Officers may not stop, investigate, detain or question an individual solely for the purpose of determining whether the individual is in the United States without authorization and proper documentation.

D. Officers may not initiate an investigation, stop, or detention, or extend an existing stop or detention, based solely on information or suspicion that an individual is in the United States without authorization and proper documentation.

III. Department Inquiries Concerning Citizenship Status

A. When ID is Needed and Not Provided: If a Department officer needs to identify an individual who has been lawfully detained or arrested regarding criminal conduct, and that individual does not have identification, then the Department officer may use whatever tools are reasonably necessary, including federal databases, to identify the individual under the circumstances. Department officers should not ask passengers for identification, including for the purpose of determining their immigration status, when the passengers themselves
are not suspected of a crime or motor vehicle violation, unless the passenger(s) is a witness to criminal activity.

B. When ID Provided: Valid identification may include a foreign passport, consular identification, or other acceptable identification issued by a person’s nation of origin or government-issued documents that are reasonably reliable, subject to the same reasonable scrutiny and follow-up for authentication as any other forms of identification. However, an officer should not call ICE simply because a person presents foreign identification, absent a reasonable suspicion that the identification is invalid or fraudulent.

C. Asking about Immigration Status: Department officers should not ask an individual about his or her immigration status when investigating a crime or civil violation, like a stop for traffic violation or a violation of a municipal ordinance. An officer may ask an individual about his or her immigration status only if the department officer is conducting a criminal investigation or an investigation of criminal activity based on reasonable suspicion AND the immigration status of the suspect is relevant to the investigation, provided that the investigation is initiated for a reason or reasons independent of information or suspicion that an individual is (or individuals are) in the United States without proper authorization in violation of the civil provisions of federal immigration law.

IV. Qualified Language Interpretation Services:

A. Under federal law, law enforcement agencies that receive federal funds are required to provide qualified interpretation services, either in person or telephonically, to any person in need of such services. However, Department officers may not contact federal immigration authorities for interpretation services. The officer shall not ask about the immigration status of the person for whom interpretation services are sought.

V. Detention and Search:

A. No motorist, once cited or warned, shall continue to be detained if there is no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of consent, a warrant, or a legally recognized exception to the warrant requirement.

B. It is strongly recommended that consent searches only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, the officer may nevertheless fill out the form and indicate “consented to search but refused to sign,” inserting initials and the signature of any witness in the signature block.

VI. ICE Detainers:

A. A purpose of an ICE detainer is to notify a law enforcement agency that ICE is interested in that person who is in that agency’s custody, and to request that the agency hold that person after the person is otherwise entitled to be released from the criminal justice system, giving ICE extra time to decide whether or not they should take the person into federal custody for administrative proceedings in immigration court.
B. *ICE detainers are not criminal arrest warrants.* Unlike criminal warrants, which are supported by a judicial determination of probable cause, ICE detainers are issued by ICE enforcement agents without any authorization by a judge. An ICE detainer is not an indication that probable cause exists that the individual in question has committed a crime; ICE detainers are mere requests, not commands. Under federal law, local law enforcement agencies are not required to hold anyone based on an ICE detainer. Accordingly, many courts have ruled that local law enforcement officials violate the Fourth Amendment of the United States Constitution when they temporarily detain individuals for immigration violations, without probable cause of criminal conduct, based on ICE detainers.

C. Because an ICE detainer is not based upon probable cause that a crime has been committed, if an officer in the Department receives an ICE detainer for an individual who has been detained or arrested, the officer shall not prolong the individual’s detention based on the ICE detainer.

VII. **Response to Federal Immigration Inquiries:**

Department officers do not have authority to enforce federal civil immigration law. Accordingly, no department officer shall aid or participate in civil immigration enforcement activities, absent any criminal conduct, carried out by the Federal or State government. Accordingly, no law enforcement officer of the Town of Hanover, or any informants or volunteers assisting in their efforts, may:

1. Disclose information regarding the citizenship or immigration status of any person unless required to do so by legal process, or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual’s parent or guardian.
2. Accept requests by Federal immigration authorities to support or assist in operations that are for only non-criminal immigration civil enforcement.
3. Permit Federal immigration authorities’ access to a person being criminally detained by, or in the custody of, the Hanover Police Department, unless required by law.
4. Expend Department time responding to Federal immigration authorities’ inquiries or communication with immigration agents regarding a person’s custody, unless required by law.
5. Respond to federal immigration authorities’ inquiries or share information about an individual with federal immigration authorities, unless required by law.

IX. **Duties of Department Officers:**

A. Any employee who believes there is or is made aware of any violation of this Ordinance shall immediately inform his/her immediate supervisor.

B. All complaints of bias policing or discriminatory practices will be investigated in
accordance with established internal affairs procedures.

C. Each supervisor is responsible for continually monitoring and examining all officers under their direct supervision to ensure that officers’ actions and activities adhere to this Ordinance and to discover any indications of bias or discriminatory practices.

D. Traffic enforcement, detention, and search procedures will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness and lawfulness in conducting such activities.

X. Complaints of Bias and/or Discrimination:

A. The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.

B. Any person may file a complaint with the Department if they believe they have been stopped or searched based on any alleged act of biased policing.

C. Any person who tells a Department officer that they wish to file such a complaint shall be provided with the name of the officer’s immediate supervisor. Any officer who is accused on scene of discrimination, racial profiling, an illegal stop, frisk, and/or search by any person, shall report the incident to their immediate supervisor as soon as practicable at the conclusion of the contact.

D. Supervisors who receive official complaints shall follow Department procedures. Supervisors shall review bias/profiling accusations and complaints, formal or informal.

XI. Accountability:

Failure to report any observed or known violations of this order by any officer of the Department may result in disciplinary action as outlined in the Department’s General Order and as prescribed in the Town’s Employment Policies.

XII. Severability Clause:

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE TOWN OF HANOVER  
AND  
The HANOVER GARDEN CLUB

The Memorandum is intended to itemize the terms of an Agreement between the Town of Hanover (TOWN) and the Hanover Garden Club (CLUB) regarding the location of a greenhouse at the Hanover Water Treatment Facility (WTF) at 41 Grasse Road.

The Garden CLUB has for several years established and maintained a variety of community flower gardens throughout the TOWN. In order to be able to provide this service, the CLUB, through private sources, raised the necessary funds for erection of a permanent greenhouse structure at the WTF for the primary purpose of raising its plant stock.

The TOWN has agreed to permit the erection and operation of a permanent greenhouse structure at the WTF.

The Agreement is based on the following conditions:

1. The TOWN has provided a location on the WTF property for erection of a greenhouse structure approximately 21x 41' and associated storage. The TOWN will retain title to the property on which the greenhouse is located. The CLUB will own the greenhouse.

2. The TOWN will provide power, water and sewer disposal for the greenhouse. Should the consumption of utilities in the greenhouse increase significantly during the period of this Agreement, the TOWN will contact the CLUB to negotiate a cost-share arrangement of any incremental new costs. The TOWN will also provide property insurance and exterior grounds maintenance including snow removal for the parking, the Garden Club will be responsible for clearing and treating pedestrian accesses. In the event the CLUB erects a fence enclosure, it will be responsible for all maintenance within the enclosure and along the fence line.

3. The CLUB will be responsible for maintenance of the greenhouse and all utilities and equipment within the structure.

4. The CLUB will have complete control over the use and access to the inside of the structure and will provide liability insurance covering any claims resulting from the use of the interior of the greenhouse and inside any fence enclosures it erects. This coverage will name the TOWN as an additional insured and hold the TOWN harmless from any claim for liability.
5. The CLUB will have access to the greenhouse during all hours.

If there are any questions or concerns which arise during the period of this Agreement on the part of either the TOWN or the CLUB, they shall be addressed to the Town Manager and the President of the Hanover Garden Club, who will be responsible for administering this Agreement.

This Agreement shall continue in existence for five (5) years (January 1, 2020 to December 31, 2025) at which time it will be reviewed by both parties. If, at any point, the CLUB chooses not to continue use of the greenhouse, the structure reverts to the TOWN to do with as it wishes.

Agreement dated this __________ Day of __________ 20 __

______________________________
Town Manager, Julia N. Griffin
TOWN OF HANOVER

______________________________
President -
HANOVER GARDEN CLUB
PAY TO THE ORDER OF ***HANOVER FIRE DEPARTMENT*** EXACTLY $711.46

THE MIKE WHITCOMB MEMORIAL FUND

NAME OF REMITTER
IN MEMORY OF CAPTAIN MIKE WHITCOMB

AUTHORIZED SIGNATURE

ADDRESS

OFFICIAL CHECK

BRANCH: 1001
ORIGINATOR: B04MCLARKE
TIME: 15:10:14
TOTAL: $711.46
FEE AMT: $711.46

$711.46

THE MIKE WHITCOMB MEMORIAL FUND
IN MEMORY OF CAPTAIN MIKE WHITCOMB

CUSTOMER COPY

NOT NEGOTIABLE
Date: February 7, 2020
To: Town of Hanover Selectboard
From: Betsy McClain, Director of Administrative Services and Town Clerk
Subject: Election Official Appointments

At your next meeting, please formally appoint the following Hanover voters as Inspectors of Election/Ballot Clerks for a term effective immediately and to expire on June 30, 2021:

Jill Blumberg
Meg Doucette
Michael Evans
Sandra Joslin
Toni Lamonica
Natalie Simon
Sujatha Sundaram

Also, it is with heavy heart that I ask you to authorize my appointment of a replacement for the Town’s long-time election stalwart, Charlie Garipay, who was appointed Deputy Town Clerk in May 2013. After supporting the Town’s election activities in a variety of ways for 50 years, the polling place will seem empty without him. We will continue to channel his energy, cheerfulness, and his neighborly gift of gab into our election preparations – and we will do him proud.

In accordance with RSA 41:18, please approve my appointment of Jill Terman Potter to serve as Hanover Deputy Town Clerk, effective immediately.
Dear Selectboard Members,

I’m writing to express my interest in joining the Hanover Planning Board. I am available to accept the position immediately, subject to your approval.

As a matter of introduction, I grew up in New Rochelle, NY and graduated from the U.S. Naval Academy in 2004 with a Bachelor of Science degree in History. Upon graduation, I was commissioned as an officer in the United States Marine Corps and began training as a helicopter pilot. I completed multiple combat deployments throughout the Middle East and Africa, and after nearly 11 years of faithful service, I elected to leave the military in order to pursue a master’s at the Tuck School of Business at Dartmouth. Upon graduation I served as the Vice President of Growth at Bionic Advertising Systems, a Hanover based software company. In July of 2018, my wife Cailin and I purchased Lou’s Restaurant & Bakery and became the fourth owners of the 71-year-old Hanover institution. We later purchased the condo in which Lou’s is located. Cailin and I have three children, Arianna, Devon, and Max, ages 11, 8, and 5 respectively.

I am interested in joining the board for several reasons. First, I have spent most of my adult life in public service and I believe that it is both a privilege and honor to do so. I enjoy giving back to my community and I feel that this would be an excellent way to do so. Second, as a business owner and owner of two parcels of property in Hanover (my home and the condo in which my business is located), I have a vested interest in the future policy regarding land use. I do not see my membership as a conflict of interest, rather, that of a fully invested constituent. Third, I believe that there is a gap in board representation from Hanover small-business owners. I believe that I can bring a new perspective to the planning board and represent a group of hard-working and vitally important members of our community. Lastly, as a father of three young children, a hunter, and an avid outdoorsman, I believe I am an ideal steward of our precious natural resources.

I hope that you strongly consider my interest!

Sincerely
/S/
Jarett Berke
To the Select Board  
Town of Hanover  
PO Box 483  
Hanover, NH 03755

Dear Hanover Select Board,

Please consider flying our Storrs Pond banner over Main Street during times where you have a break in the regular schedule. The Storrs Pond banner can be hung anytime starting now until mid-summer whenever there is a need to fill in a week with a banner. We would be most appreciative if you would fly the Storrs Pond banner then.

Please contact me with any questions,

Regards,

Jeff Graham  
General Manager