



Cumberland County

Board of Commissioners

Meeting Minutes - Final

142 Federal St
Portland, ME 04101

The Board meets on the second Monday of each month at 5:30pm in the Peter Feeney Room unless otherwise noted.

Monday, August 12, 2024

5:30 PM

**Feeney Conference Room, County
Courthouse, 205 Newbury St,
Portland ME 04101**

CALL TO ORDER

The Board of Commissioners met for their regularly scheduled meeting at the Cumberland County Courthouse in the Peter Feeney Conference Room, the meeting was called to Order by Chair James Cloutier at 5:32 pm.

ATTENDANCE

Present: 5 - Commissioner Neil Jamieson, Commissioner Susan Witonis, Vice Chair Stephen Gorden, Commissioner Patricia Smith, and Chair James Cloutier

County Staff:

James Gailey, County Manager
Alex Kimball, Deputy County Manager
Sandra Warren, Compliance and Audit Manager
Katharine Cahoon, Admin and Special Projects
Theresa Grover, Director of Finance
Kerry Joyce, Captain
Paige Eggleston, Corporation Council

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

[CD 24-018](#) Approval of the minutes, July 8, 2024, meeting of the Board of Commissioners

A motion was made by Commissioner Jamieson, seconded by Vice Chair Gorden, that this Minutes Report be APPROVED. The motion carried by a unanimous vote.

INFORMATIONAL REPORT/PRESENTATIONS

COMMENTS FROM THE PUBLIC

The Board Chair will limit comments to three (3) minutes per speaker.

There were no comments from the public.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Vice Chair Gorden, seconded by Commissioner Jamieson, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier

No: 0

[24-073](#) Sheriff's Office Commissions May 1st - July 31st, 2024

This Order was APPROVED.

[24-074](#) Authorization of a Law Enforcement Services contract between the Cumberland County Sheriff's Office and the Town of Standish from July 1, 2024 to June 30, 2025 for the amount of \$1,435,582.61

This Order was APPROVED.

[24-075](#) Authorization of a Law Enforcement Services contract between the Cumberland County Sheriff's Office and the Maine School Administrative District #61 from August 2024 to June 2025 for the amount of \$98,187.58.

This Order was APPROVED.

[24-076](#) Appointment of Yarmouth Deputy Fire Chief Brandan Walker to the CCRCC Board of Directors representing Commissioner District 3.

This Appointment was APPROVED.

[24-081](#) Authorization for the Sheriff's Office to Purchase a Replacement Patrol Vehicle in the amount of \$52,537.10 from MHQ, Marlborough, MA.

This Order was APPROVED.

Commissioner Gorden requested that the LEC contract language be updated.

ARPA BUSINESS

[24-077](#) Award a bid to Benchmark, Inc. of Westbrook, Maine for the fit-up construction of 27 NorthPort in the amount of \$3,822,908 for the base bid and all six additional alternative bids.

Compliance and Audit Manager Sandra Warren spoke on the recommendation of award to Benchmark Construction. She gave an overview of the creation and posting of the RFP that was done with the assistance of WSP. The County received seven bids and reviewed all of them based on the established criteria. The criteria were outlined in the bid packet and specific to ARPA rules with Federal Regulations that are required to be agreed upon before entering into a contract. Four bidders did not complete that process as outlined in 2 CFR (Code of Federal Regulations) Part 200 under Subpart D. The reasoning behind all of the requirements are for legality and risk management to avoid obligating funds to bidders that do not meet Federal Regulations. This practice is done in all of County programs including CDBG. Other scoring included the timeline for the

project, the cost, and references to assess the capacity and finally the lowest bidder would receive the highest score.

Member of the public, J.P. Schwartz, Senior Planning Engineer from AlliedCook Construction, spoke on the 27 Northport project. Their company was the lowest bidder of \$3,283,303 but was rejected because their firm did not submit the federal documents. Mr. Schwartz gave a summary of concerns relating to the bid packet and process. Some observations included waiving bid requirements for some bidders and not others, instructions to bidders regarding disqualification for leaving blanks in bid package, and general clarity of language. While AlliedCook did not submit the Federal forms, they contest that the forms were not needed for a bid submission but would have been able to provide the forms upon request. Mr. Schwartz also observed that the required subcontractor form was not submitted because it cannot be completed until after the project is awarded. It was also missed by four of the seven experience bidders which reflects on the bid document and not the bidders. Mr. Schwartz gave other examples and explained that AlliedCook was not complaining but concerned that the instructions outlined in the bid package and the bid award selection considered some exceptions to certain bidders but not to AlliedCook.

Chair Cloutier thanked Mr. Schwartz for his comments and asked if he would like to submit any of his comments for the meeting record. Mr. Schwartz explained that he did not, he came with handwritten notes.

Commissioner Gorden asked if the Federal form was examined for completeness, Compliance and Audit Manager Warren confirmed that the Federal forms needed to be signed to be considered complete. However, the completion of the forms was not as important as it was to sign the forms. During the bid all questions were directed to and answered by WSP (the County's engineer and architect for the project). At the Pre-Bid meeting the instructions to bidders in the bid packet they needed to submit; a signed agreement to complete a series of forms; a WSP form; and a Schedules of Values. Under Bid Process, there is coversheet that the packet must be read and a final agreement of the packet submitted. Compliance and Audit Manager Warren was interrupted by Mr. Schwartz. Chair Cloutier announced that the public hearing was formally closed at 5:50 pm.

Chair Cloutier thanked Mr. Schwartz for his comments. He summarized that the ARPA regulations are very tight and sympathized with his concerns. Chair Cloutier concluded that they were unable to make an exception. Mr. Schwartz commented and Chair Cloutier reminded him that the public hearing was closed. Commissioner Smith stated that the bid process is very complicated and she is confident the County followed the process and believes it should be awarded to Benchmark Construction. She noted that it's also important to have a dialogue about where improvements can be made in the future. Chair Cloutier added that sometimes bid forms are created over time and do not flow together. Commissioner Gorden reminded the Board of Commissioners that the County's procurement policy is to select the most responsive bidder.

A motion was made by Commissioner Jamieson, seconded by Commissioner

Witonis, that the Order be APPROVED. The motion carried by the following vote:

Yes: 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier

No: 0

NEW BUSINESS

[24-078](#)

Authorization of the County Manager to sign on behalf of the County Commissioners a transfer document with regards to the sale of the Maine Mariners hockey team.

County Manager Gailey explained that Power Play LLC will be the new owners of the Maine Mariners. Commissioner Smith stated that she was excited about the Maine Mariners in their new phase and it means a lot to Maine communities. Chair Cloutier mentioned that Comcast worked with the County when things were at low point and now things have improved.

A motion was made by Commissioner Jamieson, seconded by Commissioner Witonis, that the Order be APPROVED. The motion carried by the following vote:

Yes: 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier

No: 0

COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey shared that over the last three weeks the dasher board and new glass project has been completed at the Cross Insurance Arena. One of the outcomes is correcting a 1977 error when the benches were installed on the wrong side of the ice which has been corrected. The new Marquee sign is in the process of being installed and is currently being measured. The new sign will be a very valuable communications tool.

COMMENTS FROM THE EXECUTIVE STAFF

Finance Director Theresa Grover noted that auditors will be onsite September 3rd. The month of May and June are being completed. Commissioner Gordan shared that the State DOC will begin to perform an audit of the Jail in the future. Assistant Manager Alex Kimball shared that the District Attorney’s office is applying for a DOJ grant to address a backlog of sexual assault kits using multiple vendors, partnerships with the Sheriff’s Office and State. Commissioner Smith asked about the three year period, Assistant Manager Kimball explained that grant periods are typically three years. Commissioner Gorden stated that he was part of the State hearing and it was unbelievable where sexual assault kits are stored.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Smith congratulated employee Scottie Franklin for her 20 years of service and thanked her for her commitment to working at the County. She stated that the tuition discount at USM is incredible opportunity and a great benefit to work at the County. She encouraged employees to take advantage of that additional benefit.

EXECUTIVE SESSION

[24-079](#) To enter into Executive Session under 1 M.R.S.A. §405(6)(A) for the discussion of duties and compensation.

Time Into Executive Session: 6:08 PM

A motion was made by Commissioner Jamieson, seconded by Commissioner Witonis, that the Executive Session be APPROVED. The motion carried by the following vote:

- Yes:** 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier
- No:** 0

Time Out of Executive Session: 7:58 PM

A motion was made by Commissioner Jamieson, seconded by Commissioner Smith, that the Executive Session be CONCLUDED. The motion carried by the following vote:

- Yes:** 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier
- No:** 0

[24-080](#) To enter into Executive Session under 1 M.R.S.A. §405(6)(E) for consultation with the County's attorney concerning legal rights and duties.

Time Into Executive Session:

6:08 PM

A motion was made by Commissioner Jamieson, seconded by Commissioner Witonis, that the Executive Session be APPROVED. The motion carried by the following vote:

- Yes:** 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier
- No:** 0

Time Out of Executive Session: 7:58 PM

A motion was made by Commissioner Jamieson, seconded by Commissioner Smith, that the Executive Session be CONCLUDED. The motion carried by the following vote:

- Yes:** 5 - Commissioner Jamieson, Commissioner Witonis, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier
- No:** 0

ADDED IN SESSION

[24-082](#)

Authorization of the County Manager to hire an additional employee within the Finance Department at a cost of \$75,000 for a full year salary and benefits (Added in Session)

A motion was made by Commissioner Jamieson, seconded by Commissioner Smith, that the New Business - Added in Session be APPROVED. The motion carried by the following vote:

Yes: 4 - Commissioner Jamieson, Vice Chair Gorden, Commissioner Smith, and Chair Cloutier

No: 1 - Commissioner Witonis

Next Meeting: Monday, September 9, 2024

ADJOURNMENT

The meeting was ADJOURNED at 8:00 pm.