



# Cumberland County

## Board of Commissioners

### Meeting Minutes - Draft

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.

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**Monday, September 11, 2023**

**5:30 PM**

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

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#### 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 Neil Jamison at 5:36 PM.

#### ATTENDANCE

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

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF THE MINUTES

[CD 23-009](#) Approval of the minutes, August 14, 2023, meeting of the Board of Commissioners

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Minutes Report be APPROVED. The motion carried by the following vote:*

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

**No:** 0

[CD 23-010](#) Approval of the minutes, August 22, 2023, meeting of the Board of Commissioners

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Minutes Report be APPROVED. The motion carried by the following vote:*

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

**No:** 0

**Item Discussed Out of Order**

County Manager Gailey requested that agenda Item 23-083 be discussed out of order so that Deputy Manager of Finance and Administration Alex Kimball could appear remotely. The Board agreed.

[23-083](#)

## Authorization of 2023 General Obligation Bonds

County Manager Gailey explained that the Obligation Bond is presented to the Board for approval that was part of the 2023-2024 Budget. The request is for a formal approval of the Obligation Bond. Deputy Manager of Finance and Administration Kimball explained that the Obligation Bond is fairly straight forward and that passage of the bond as written is required. There is a ratings call on Friday, the amount of the Bond is on the larger side for a small amount of items which includes replacing the Jail roof, fire alarm system, jail cell lock and parking garage repairs.

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

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

**No:** 0

[23-083](#)

## Authorization of 2023 General Obligation Bonds

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

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

**No:** 0

**INFORMATIONAL REPORT/PRESENTATIONS**CD 23-011 Cumberland County Jail Board of Visitors Inspection

Sheriff Joyce introduced Colleen Hilton, the Chair of the Jail Board of Visitors (JBOV). The JBOV is required under State Statute and Board members are able to tour the Jail with unfettered access. Chair Hilton stated that she was submitting the JBOV Annual Report to the Board of Commissioners. Chair Hilton highlighted some of the reports findings, in the past there were close to 400 inmates and now an average population of 264 residents over the past two years. A significant decrease, including Corrections Officers, the Jail is now down 77 Corrections Officers. Chair Hilton summarized the previous reports recommendations, improving accuracy of medical records for inmates, Armor Medical is transitioning from Correktec to CoreSolutions. Two Intensive Care Managers were added and they report directly to DHHS. Moving inmates to the correct correctional facilities where they originated from to manage the jail. The MAT program is in place for using medication for substance abuse, there is an average 78 - 87 inmates that are receiving treatment. There were previous concerns about the grievance procedures but it was determined that those are adequate and John Costello is the point of contact and reports to the JBOV. As an update, group programs are now resuming with COVID restrictions easing. The JBOV recommends that the Jail add a Mental Health Counselor to support inmates, there were at least 3 suicides in the past year and it reflects the needs of the jail population.

Commissioner Witonis asked if the proposed JBOV Mental Health Counselor would be full time or volunteer? Chair Hilton clarified that the position would be full time and through Armor Medical. Chair Jamieson asked how much a full time position would cost, Chair Hilton estimated \$50,000.

*This Report was RECEIVED AND FILED.*

**COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**CONSENT AGENDA****Approval of the Consent Agenda**

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

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

**No:** 0

23-077 Sheriff's Office Commissions May- July 2023

*This Order was APPROVED.*

23-081 Authorization for the County Manager to execute the contracts with the towns of Baldwin, New Gloucester and Cape Elizabeth to provide General Assistance administration.

*This Order was APPROVED.*

- [23-082](#) Authorization for the County Manager to sign the FY23 Memorandum of Understanding between the City of Portland and Cumberland County for the distribution of the Edward Byrne Memorial Justice Assistance Grant in the amount of \$14,465.00.

*This Order was APPROVED.*

- [23-093](#) Authorization of the contract with the Town of Cumberland to provide General Assistance administration.

*This Order was APPROVED.*

- [23-084](#) Authorization for the Purchase of Blodgett 1060 double deck, 60 inch gas oven for \$19,800 from CE Restaurants for the County Jail Kitchen

*This Order was APPROVED.*

- [23-085](#) Approval of a Two Year Contract Renewal between Cumberland County Jail and Dynamic Medical Works, LLC for consultation services from 2023 to 2025

*This Order was APPROVED.*

- [23-086](#) Approval of Amended Administrative Regulation #12 Safety and Health Statement

*This Order was APPROVED.*

### **Discussed Items from the Consent Agenda**

Commissioner Witonis requested that Consent Agenda items 23-078, 23-079 and 23-080 be discussed out of order.

Commissioner Witonis stated she was concerned that the Law Enforcement contracts were signed months prior but they were just going before the Board for approval. She asked why the contracts weren't arriving after they were signed? She asked if the contracts could also still be carried out legally if not authorized by the Board of Commissioners? Chair Jamieson observed that apparently the contracts were being carried out regardless.

Sheriff Joyce stated that he did not have an answer. He remarked that they were signed off by the Towns and then they were bounced around and looked at by Captains and then Courtney. Commissioner Witonis asked if Sheriff Joyce could clarify the process. Sheriff Joyce stated that they (the contracts) were approved by the Town Manager and then put with a position paper and submitted. Commissioner Witonis stated that the three contracts were just submitted this month. Sheriff Joyce stated that he did not know without doing an investigation.

Commissioner Cloutier asked if after the Town Manager and the Sheriff sign, does it need to go through a Town Meeting. Sheriff Joyce stated that generally Town Managers sign before the contracts go before the Town Meeting, which is the final stamp of approval. With COVID, the Town Meetings threw everything out of balance. Commissioner Cloutier asked if the contracts were rolled over? Sheriff Joyce stated that they were. Commissioner Cloutier asked if the Towns pay for their contracts? Sheriff Joyce stated that he hoped so.

Commissioner Gorden asked if the contracts could be a two year contract instead of one year? Sheriff Joyce said that it wasn't possible because of staffing and the timing of the Town Meetings.

Commissioner Gorden stated that it was concerning because it was an issue that everyone was aware of and it should be fixed. He added that there were legal resources available to change the contracts if that was what was missing. Sheriff Joyce stated that the process for modifying contracts was pretty easy, it was the needs of the Town that are challenging and change frequently. The contracts remain the same and then are changed when requested by the Towns. It's usually boilerplate but it changes with the needs of the Town.

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

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

**No:** 0

[23-078](#) Agreement for Law Enforcement Services by and between the Cumberland County Sheriff's Office, Board of County Commissioners and the Town of Naples

*This Order was APPROVED.*

[23-079](#) Agreement for Law Enforcement Services by and between the Cumberland County Sheriff's Office, Board of County Commissioners and the Town of Harrison.

*This Order was APPROVED.*

[23-080](#) Agreement for Law Enforcement Services by and between the Cumberland County Sheriff's Office, Board of County Commissioners and the Town of Standish

*This Order was APPROVED.*

**ARPA BUSINESS**[23-087](#)

Authorization for the County Manager to award the bid submitted by Radio Communications Management, Inc. of Portland, Maine for the Cumberland County Regional Communications Center "Radio Infrastructure End of Life Upgrade" \$1,766,930 of ARPA funding for the purchase of a P25 capable radio system and \$1,000,000 of Federal Earmark Funding for the purchase of mobiles and portables.

County Manager Gailey explained that the agenda item was for the conversion of an analog radio system used by the Communications Center to an analog and P25 capable system. The award is complimented by Federal Earmark secured by Travis Kennedy that will go towards mobiles and portables. The winning bidder is RCM.

Mac McKnight, President and Owner of RCM, presented their response to the RFP. RCM is currently the service provider for the existing system which is at the end of its life. Mac McKnight gave an overview of the engineering design phase and presented their approach which looks at existing site coverage and future site coverage. The design phase is expected to take at least 3 months. The next phase is a proposed upgrade of the power, the system design proposal is included in the RFP. The proposed power system (at each site) has a 4 hour backup for interruptions usually caused by inclement weather. The new system will use a custom designed software called RAPTOR. He further outlined the System Transmit Receiver Pattern, and how using TDI can correct or cancel information being transmitted and P25 Linear Simulcast is preferred especially by the end user and is most similar to analog in a digital version. Warranty and parts are included, RCM is a Maine company and technicians are on call 24/7 365 days a year, the system presented is designed for 10 year cost of ownership.

Commissioner Witonis asked if the design unites all areas. Mr. McKnight explained that it does, however it is limited by terrain and confirmed coverage is lacking in some areas. This coverage presented is a theory predicted by their software. The Harrison area Commissioner Witonis confirmed that there would be issues in that area, Mr. McKnight confirmed that it would only be limited to portables. She asked if there is a repeater in Harrison, if so what is the outcome? Mr. McKnight stated that if they didn't use the repeater there would be no service. Commissioner Gorden asked if the system could be expanded, Mr. McKnight confirmed. Commissioner Gorden asked for further explanation, Mr. McKnight explained that they created coverage based on existing sites and budgets. Commissioner Gorden asked if it integrates with the National Emergency System. Mr. McKnight confirmed yes but depends on how Dispatch integrates the County into other software systems. Commissioner Cloutier asked about integrating the white splotchy areas of North Yarmouth, Pownal and Cumberland. Mr. McKnight said they could be and poor coverage is due to the terrain. Commissioner Cloutier noted that repeaters are a cost effective solution and are popular in Portland; it's the law of diminishing returns. Commissioner Gorden asked if the study revealed the need for an additional tower, Mr. McKnight stated that it did not due to a number of factors. Mr. McKnight noted that coverage is always strongest on the water. Commissioner Witonis asked how the new coverage is an improvement, Mr. McKnight explained that

coverage by current equipment is failing and at the end of its life. Commissioner Smith thanked Mr. McKnight for his presentation.

County Manager Gailey explained that Phase One and Two as presented were being approved, not Phase Three as it was unnecessary. Director of Communications Melinda Fairbrother-Dyer spoke and explained that the proposed timeline is recommended by a Sub Committee composed of 12 members appointed by the Board of Directors. Commissioner Gorden requested that Director Fairbrother-Dyer give an overview of the project timeline. The timeline was recommended in Part C. The recommended approach is to hire a Communications Consultant and provide an approach given the perceived issues with the site coverage. For Part D, with the assistance of the communications consultant or current vendor, in 6 or 7 year to take the platform to the next level P25 Trunking System and start the planning process. Mr. McKnight added that the system is designed for 10 years and will then need to be reevaluated. Commissioner Jamieson asked when the original current system was purchased; 2010.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Smith, that the Order be APPROVED. The motion carried by the following vote:*

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

**No:** 0

[23-088](#)

Authorize the purchase of 27 Northport Drive, Portland, Maine for the amount of \$4.6M.

County Manager Gailey gave background on the item stating plans were in motion to construct a new administrative building next to the Jail on County owned land. Preliminary investigation for the Jail Medical Wing Expansion showed that there is a lot of lead and remediation required. The same remediation would be required for the new building and additional structural engineering increased the original costs. At a meeting with Developers Collaborative, an alternative was presented in the form of an existing building, 27 Northport Dr, Portland, Maine. At the August meeting, the Commissioners conducted a site walk of the potential building. After going into and coming out of Executive Session at the site walk, the Board of Commissioners unanimously authorized the County Manager to negotiate the purchase of the building. The listing price was \$4.9M and the final purchase price was \$4.6M. The new building is 3 stories and 3,200 sq ft. Legal counsel requests that the Board of Commissioners approve the order to finalize the price and specifics of the sale. The closing is expected during the first week of October 2023.

Commissioner Jamieson asked when the move would occur, County Manager Gailey explained that design and a fit up would put the move in date next year. The Departments from the Old Port would include Assessing, Deeds, Public Health; from the Courthouse, finance, HR, IT, CDBG, portion of Facilities and Executive; from Windham the Emergency Mgmt Agency. The District Attorney's office would backfill the space made available from the Courthouse Departments. Commissioner Smith asked about penalties for breaking leases of current office space, County Manager Gailey explained that there could be but there is also the possibility of subletting, an exit strategy is going to be created.



Commissioner Cloutier commented that though a new building is not being constructed, it should be considered how to address the hazardous area because it's still hazardous. County Manager Gailey added that the property does not qualify for Brownfields Assistance because an environmental assessment was not conducted when the property was purchased. The cost of constructing a new building equated to \$400k a year for 20 years. ARPA funds from the lost revenue is being used for the purchase and possible for the fit up of the building.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden, that the Order be APPROVED as written. The motion carried by the following vote:*

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

**No:** 0

## NEW BUSINESS

### 23-089

Authorization for the County Manager to submit the County's 2022/23 Consolidated Annual Performance Evaluation Report (CAPER) to the Department of Housing and Urban Development.

Community Development Director Kristen Styles introduced the current years Consolidated Annual Action Plan Report for 2022. CAPER and gave an overview of expenditures and accomplishments. This includes the Cumberland County Entitlement District which is all of Cumberland County except for the City of Portland and the Town of Brunswick. South Portland and Bridgton are set aside communities and receive their own funding. In 2022 the County received \$1.5M, \$932k was allocated to Cumberland County, \$434k was allocated to South Portland and \$191k was allocated to Bridgton. Most projects are awarded in July and start in the Spring of the following year. The HOME partnership is operated with the City of Portland and the Town of Brunswick.

She noted that COVID funding received was \$1.8M and the remaining open project was the City of Portland Resettlement Coordinator, the funding will close at the end of December and the position will be funded through United Way continuing forward.

A little over \$2M was spent this year compared to \$2.2M last year. Director Styles reviewed the various projects highlighted in the CAPER. She commented that the full CAPER report will be available on the Website by Wednesday, September 13.

Commissioner Gorden commented that some of the local farmer markets were attempting to support New Mainers and their access to fresh produce. He asked how farmer markets could be considered eligible applicants for the CDBG program? Director Styles stated that Nonprofits, Municipalities or Fiscal Sponsors are eligible and she would be happy to work with the group on their application to become eligible.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Smith, that the Order be APPROVED. The motion carried by the following vote:*

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



No: 0

[23-090](#)

Approval of the Current Action Plan for the Allocation of the Cumberland County Opioid Settlement Fund.

County Manager Gailey introduced Director of Public Health Liz Blackwell-Moore to speak about the plan for Opioid settlement funding. He stated that the County is expected to receive \$200k - \$300k annually. Director of Public Health Blackwell-Moore explained that the AG allocated settlement funds, 20% received by the AG's office; 30% went to 16 Counties and various Municipalities who were part of the lawsuit; and 50% went to the Maine Recovery Council. Director of Public Health Blackwell-Moore stated that she is on the Maine Recovery Council which is currently in the process of developing their own process for the administration of funding. She stated that there are approved uses listed in the MOU, prevention, prevention, harm reduction, treatment, recovery and leadership coordination. The approach that has been adopted are guidelines published by Johns Hopkins University, 1) Spend money to save lives, 2) Use evidence to guide spending, 3) Invest in youth prevention, 4) Focus on racial equity, and 5) Develop a fair and transparent process for deciding where to spend the funding. She further outlined the plan and budget that was presented to the Commissioners that was focused on coordination of efforts in the County. Commissioner Cloutier asked about the fatality rate of Cumberland County, he was wondering if the fatality rate was lower in the county compared to the rest of the state. Director of Public Health Blackwell-Moore stated that she was not sure but thought that it was a little less and likely due to the lack of access to naloxone in rural areas. Commissioner Cloutier stated that it was a good start to a 20 year plan and asked about funding the staff position to do the coordination. Director of Public Health Blackwell-Moore explained that the position would be half funded with settlement funds and that he would be the only staff position that would manage coordination of efforts. The focus would be on greater Portland and expand and coordinate effort of an effective response in the rural parts of the County. Commissioner Cloutier asked what health care organizations or clinics are involved outside of Portland, Public Health Director Blackwell-Moore stated that City of Portland - Cumberland County Health Care Alliance, Greater Portland Overdose Collaborative and Cumberland County Prevention Collaborative. Brandon's position would be the coordinator of all of the organizations work and make things more effective.

County Manager Gailey clarified that the plan submitted to the Board was actually a draft and the Board would receive the most current version that had modified the funding for the staff position. Public Health Director Blackwell-Moore added that the funding lines for intervention and prevention are not for staff salaries and for funding potential RFP proposals with varying commitments of funding.

Commissioner Gorden mentioned reentry cost for inmates who leave jail and then receive treatment, is this funding open to supporting reentry support services? Public Health Director Blackwell-Moore confirmed that it could be, this particular service is funded through some different grants and work with Portland Recovery Community Center. Commissioner Gorden clarified, the medical costs of reentry for inmates, Public Health Director Blackwell-Moore stated that it would be funded through Maine Care but gaps in funding could be supported by

the funding (Opioid), Brandon will determine where those gaps are. Commissioner Smith asked about the 20 year plan, could other communities be used as models for best practices? Public Health Director Blackwell-Moore confirmed that she was working with those communities and has access through her membership on the Maine Recovery Council. She stated that they have 20 years to help and fix the system, Commissioner Smith agreed, the money should be focused on fixing the system not funding organizations.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Smith, that the Order be APPROVED. The motion carried by the following vote:*

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

**No:** 0

[23-091](#)

Reappointment of four Board members to the County Board of Assessment Review

County Manager Gailey explained that the Board of Assessment Review has not met in a long time and membership needed to be renewed.

Commissioner Cloutier explained that prior to the Boards inception, the Board of Commissioners would hear property abatement requests.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Appointment be APPROVED. The motion carried by the following vote:*

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

**No:** 0

[23-092](#)

Confirmation of Finance Committee Appointment for a Three Year Term

County Manager Gailey explained that county municipalities had not recommended any new members for the finance committee. There was no action.

*This Appointment was WITHDRAWN.*

**COMMENTS FROM THE COUNTY MANAGER**

County Manager Gailey thanked HR Director Amy Jennings and Travis Kennedy for their hard work on the development of the radio ads for open positions at the county. The new Social Services Coordinator, Paige, has started and is managing the General Administration services for the municipalities.

He noted that working with the District Attorney, they have revised their operating hours. The County is now 8 - 4 and the courthouse closes at 4 pm to the public, however DA staff still work after 4 pm.

The Cross Insurance Arena had a sold out show and upcoming shows include Bill Burr; Maine Mariners; UMaine Hockey, UMaine Women's Basketball. He noted that the Cross Insurance Arena ended in the black, Commissioner Gorden asked how long it took to achieve that, County Manager Gailey mentioned that the budget was in the black in 2010 and it had taken a while to turn around due to major renovations and the loss of the Pirates.

**COMMENTS FROM THE EXECUTIVE STAFF**

Major Tim Kortes gave an update on the Jail operations, 4 or 5 are in the academy, and a few pre certified that are not in the academy. There is a specialized position that was created over the summer. There will be a medical pre audit in September for National Care Health Year and then a medical audit in November, ICE headquarters will do an audit as well which is typical, but the Jail has not had an ICE inmate in 10 years. He noted that morale has improved and thanked the Board of Commissioners for their support.

Commissioner Gorden asked about the negotiations for the Federal Marshal contract. Major Kortes responded that Finance Manager Kimball and County Manager Gailey were in the process of finalizing it. Commissioner Cloutier asked about the number of inmates being housed at the Jail, Major Kortes estimated 235 so far and the agreement with York County Jail is coming to an end and it will reduce the number of inmates.

**COMMENTS FROM THE COUNTY COMMISSIONERS**

Commissioner Gorden reminded the Board that the Maine County Commissioners Association is having their annual conference in Poland Springs Resort from Tuesday to Wednesday.

**ADJOURNMENT**

The meeting was adjourned at 8:00 pm, so moved by Commissioner Gorden and seconded by Commissioner Witonis.

The next scheduled Board of Commissioners' meeting is on Tuesday, October 10, 2023.