



Cumberland County

Board of Commissioners

Meeting Minutes - Draft

27 Northport Dr
Portland, ME 04103

The Board meets on the third Monday of each month at 5:30pm in the Sebago Lake Room unless otherwise noted.

Monday, November 17, 2025

5:30 PM

**Sebago Meeting Room, 27 Northport
Dr, Portland ME 04103**

In person with the option to view online: www.cumberlandcountyme.gov/live

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 Stephen Gorden at 5:30 p.m.

ATTENDANCE

Present: 5 - Chair Stephen Gorden, Vice Chair Patricia Smith, Commissioner Jean-Marie Caterina, Commissioner Tom Tyler, and Commissioner James Cloutier

County Staff:

James Gailey, County Manager
Theresa Grover, Director of Finance
Brian Pellerin, Deputy Chief
Brandon Irwin, Behavioral Public Health Manager
Marissa Exchange, Jail Re-entry Coordinator
Michael Durkin, EMA Director
Amy Jennings, Human Resources Dept
Alyssa Johnson, Finance and Budget Manager
Katharine Cahoon, Admin and Special Projects

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

[CD 25-028](#) Approval of the minutes, October 20, 2025, meeting of the Board of Commissioners

A motion was made by Commissioner Cloutier, seconded by Commissioner Caterina, that this Minutes Report be APPROVED. The motion carried by a unanimous vote.

INFORMATIONAL REPORT/PRESENTATIONS

County Manager Gailey requested that Item CD 25-030 be presented prior to Item CD 25-029.

CD 25-030 Presentation: Jail Re-Entry Program

Marissa Exchange Cumberland County Jail Re-entry Coordinator gave a presentation on the accomplishments of the program. The program supports individuals who are sentenced, pre-trial, and pre-arraignment within the Cumberland County Jail who are transitioning back into the community.

Commissioner Smith asked if English as a second language or translation services are offered as a support, Re-entry Coordinator Exchange confirmed that translation services are available. Commissioner Smith asked if the program uses data for reoffense, Re-entry Coordinator Exchange stated that compiling data has been challenging but was able to gather data that demonstrated that individuals with housing resources remain out of jail for longer periods of time. Commissioner Smith stated that aggregating more data would be helpful in the future, she thanked Re-entry Coordinator Exchange for her presentation.

Commissioner Caterina asked about the planning of supports, Re-entry Coordinator Exchange explained that the planning for re-entry starts when the individual enters the jail. Commissioner Caterina asked if the program was voluntary, Re-entry Coordinator Exchange confirmed that it was.

Chair Gorden asked about the program's coordination with DHHS, Re-entry Coordinator Exchange explained that DHHS provides Intensive Case Managers (ICMs) to jails in Maine. She explained that the ICMs connect individuals with serious mental illness with supports outside of their incarceration. Chair Gorden asked when is an individual released from the program, Re-entry Coordinator Exchange explained that release plans are created that establish the program's handoff.

This Presentation was PRESENTED.

CD 25-029 Recognition of Cumberland County as a Storm Ready Community by the National Weather Service

Warning Coordination Meteorologist Donald Dumond from the National Weather Service in Gray, Maine, recognized Emergency Management Agency (EMA) Director Michael Durkin for his significant achievement in community resilience and public safety. He explained that the National Weather Service storm ready program is a national effort that helps communities prepare for and respond to severe weather. He discussed the program's criteria and statistics that America is one of the most severe weather prone countries in the world, 90% of all presidential disasters are weather related, and 63 declared weather disasters in Maine since 1980. He explained that Cumberland County EMA is a model partner and the recognition will be recertified every four years.

The Board of Commissioners congratulated EMA Director Durkin on his agency's achievement, EMA Director Durkin thanked the Board and explained that the achievement is the result of hard work by his staff and all county departments. Chair Gorden asked how long it took to craft the response plan, EMA Director Durkin answered that it was close to 6 months.

This Presentation was PRESENTED.

COMMENTS FROM THE PUBLIC

The Board Chair will limit comments to three (3) minutes per speaker, the Public Comment period is for items that are not on the agenda and limited to one (1) hour.

Chair Gorden opened public comment at 5:47 p.m.

The following individuals spoke at public comment regarding Cumberland County's contract with the United States Marshals Service for Jail services: Shelby Leighton, South Portland; Reverend Alison Smith, Harpswell; Marvin Ellison, Portland; Issa Muldoon, Portland; Emily Mameura, Brunswick; Cate DiMartino, Brunswick; Erica Watkins, Windham; Jessie Muldoon, Portland; Christine Budro, Raymond; Dwight Thorne, South Portland; Isabal Davenport, Saco; Anne Bishop, Freeport; Caroline Cleveland, Cumberland County; Shosana Hose, Portland; Judy Dinucci, Portland; Annla Liberty, Westbrook; Genevieve Bretboch, Portland; Sue Sage, Portland; Russell Warren, Portland; Lori Oxtol, Portland; Leslie Mcvain, Falmouth; Brie Bowman, South Portland; Linda Webb, Gorham; Kathy Walter, Gorham; Kate McLachlan, Portland; Peggy Marchaud, Gorham; Amanda Lacino, Gorham; Margaret Albright, Freeport; Linda Robo, Portland; Wendy Chapkus, Portland; Mariella Jacome, Portland; Virginia Doss, Portland; Christine Vozella, Gray; Christopher Smith, Scarborough; Sara Harbour, Portland; Ellie, Gorham; Jake Fahey, South Portland; Jordan Singh, Portland; Reverend Christine Dyke, Gorham; Megan, Portland; Victoria Chakovsky, Westbrook; Caitlin, Portland; Julia, Biddeford; Kathryn, Portland; Lila, Portland; Max Woodbury, Westbrook; Kelly Merrill, Portland; Dan Lyman, Portland; Ella Tobasky, Brunswick; Jay Gruber, Portland; T Leeann, Portland; Larry Williams, Maine; Emma Lombardo, Portland; Catherine Harowitz, Falmouth; Anna Knudsen, Maine; Katy Irwin, Portland; Jon Cody, Farmingdale; Cheeni Amul, South Portland; Amelia Kelleher, Denise Shwartz, Scarborough; Karen Silvermand, South Portland; Leonore, Portland; Mary Wallace, Portland; Danielle Roy, South Portland; Emily Manter, Portland; Kimberly Henry, Falmouth; Becca, Portland; Willow, Portland; Jayce, Portland; Maura Clark, Portland; Kat Cunningham, Portland; Gwendolyn Forrest, Portland; Carol Ford, Falmouth; Jack Rowbocker, Biddeford; Sofia Michael, Biddeford; Cece Robinson, Maine; and Grace Corman, Portland.

Chair Gorden closed public comment at 6:45 p.m.

At 6:47 p.m. Chair Gorden called a 10 minute recess.

At 6:56 p.m. Chair Gorden resumed the meeting.

CONSENT AGENDA

Commissioner Smith requested that Item 25-120 be withdrawn from the agenda. There were no objections.

25-120

Appointment of City Councilor Kate Sykes to the 2025-2026 County Finance Committee for a three year term.

Commissioner Cloutier explained that the County Charter limits the number of Finance Committee members to two per municipality. Commissioner Smith stated that despite the withdrawal of the appointment, the Finance Committee is well rounded.

A motion was made by Vice Chair Smith, seconded by Commissioner Cloutier, that the Appointment be WITHDRAWN. The motion carried by the following

vote:

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

Approval of the Consent Agenda

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

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

[25-116](#) Authorization to Amend the Agreement for Law Enforcement Services by and between Cumberland County, the Cumberland County Sheriff, and the Inhabitants of the Town of Gray for an additional Deputy from January 1, 2026 - June 30, 2026.

This Order was APPROVED.

[25-117](#) Authorization of the Public Safety Health and Wellness Reimbursement Fund and Project

This Order was APPROVED.

[25-118](#) Authorization to Accept a \$6,000.00 Award for the Spring 2025 Project Lifesaver Grant for Disbursement in Fiscal Year 2025-26.

This Order was APPROVED.

[25-119](#) Appoint Brunswick Fire Chief Kenneth Brilliant to the County Fire/EMS Advisory Committee

This Appointment was APPROVED.

NEW BUSINESS

[25-121](#) Authorization for the District Attorney's Office to Become a Certified Law Enforcement Agency and Approval of a New Investigator Position funded by the Sex Assault Kit Initiative (SAKI), Requested by DA Sartoris.

County Manager Gailey introduced the agenda item as the District Attorney was not present. He stated that it was not irregular for District Attorney's offices to become certified law enforcement agents. He explained that this was necessary so that the investigator could be sworn in. Commissioner Smith asked what happens to the position when the funding ends after three years, County Manager Gailey explained that the position would be eliminated. Commissioner Smith asked if the passage of the agenda item was time sensitive, County Manager Gailey explained that it was so that the position could be posted and filled. Finance Director Grover added that due to the nature of the grant funded position, the hiring involved many steps prior to completion. Commissioner Caterina commented that she was concerned about the absence of the District Attorney. Commissioner Cloutier outlined the hierarchy of law enforcement procedures for processing rape kits. He supports the passage of the agenda

item. Chair Gorden added that while he was also disappointed with the absence of the District Attorney, he also supports the item.

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

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

25-122

Remand the 2026/2027 Proposed Budget to the Finance Committee for Further Review and Recommendation

County Manager Gailey introduced the proposed County Manager's Budget for 2026-2027. He stated that it was challenging due to rising costs that limited the capacity for new initiatives.

The proposed budget includes non-union cost of living adjustment (COLA) of 3%, a 12% increase in health insurance, 34% increase in workers' compensation, and other costs including \$180,000 for IT software subscriptions. The budget also includes the second half of a trainer position for the newly hired corrections officers and patrol deputies at the Sheriff's Office. Non-debt capital is just over \$317,000, no obligation bond this year, and \$200,000 has been added from tax stabilization reserve. There are two proposed tax impact rates, 5.37% or 13.77% with the federal revenue removed from the jail budget. He reiterated the budget increases and additional expenses include \$150,000 for food at the jail, the jail medical contract increase of 3%, 10% increase in property and casualty insurances, \$200,000 for jail hospital detail, and salary increases for four collective bargaining agreements.

Revenues include \$125,000 from parking garage revenue, FEMA funds are reduced by \$20,000, and noted the impact of boarding federal inmates would anticipate a \$1.2 million increase or a reduction of \$2.3 million. Communication contracts are up \$48,000. District attorney's fees \$45,000, \$350,000 increase from fee change at the Registry of Deeds but a reduction of \$100,000 for copy fee elimination. Total expenditures for the county expenses are up 8.4% uh jail expenses at 10.4%, and the Cross Insurance Arena is under (14%) and total county expenditures are at 7.14%.

The County Manager highlighted the different budgets and explained that total needs from taxes would be \$2.2 million with the federal revenue or \$5.8 million without. He noted that the county's annual tax increase falls in the 4-5% range. He stated that once approved, the proposed budgets will be remanded to the Finance Committee. The Finance Committee is scheduled to meet on December 9, January 6, January 27, and February 10. County Manager Gailey thanked Finance Director Grover, Budget and Management Analyst Ayssa Johnson and Deputy Manager Gersen for compiling the budget. He stated that the budget could be located on the county's website.

Commissioner Tyler thanked County Manager Gailey for the presentation, he asked about workers comp claims, County Manager Gailey explained that there was a 34% rise in Workers Compensation as a result of both a higher number of

claims, especially in the Jail.

Commissioner Cloutier asked Finance Director Grover if there was an anticipated surplus, she stated no. Commissioner Cloutier asked if she anticipated a shortfall in the budget, she stated that it was salaries at the jail. County Manager Gailey explained that there were 40 unfunded positions, 9 positions were currently filled. Commissioner Cloutier asked why they were not funded, County Manager Gailey stated that it was because the county could not afford to fund all 128 authorized positions, instead current staff are paid to provide shift coverage. Human Resources Director Amy Jennings explained that there are currently 86 hires for the budgeted 96 positions available. She stated that there 45 candidates in the hiring process of which 20 are in the later stages. County Manager Gailey explained that the staffing levels fluctuate and many jail hires leave; however, he has authorized 100 positions at the jail regardless of whether or not the positions will be filled. Commissioner Cloutier asked if the Jail union had been notified of the reduction in force, County Manager Gailey stated that had occurred in 2022. Commissioner Caterina asked if it was possible for staff to provide a number reflecting the financial impact to each municipality? Staff agreed that that would be possible.

Chair Gorden asked Deputy Chief Brian Pellerin about the number of ICE inmates in the jail, Deputy Chief Pellerin explained they were accepting inmates within state statute and clarified that staffing and space dictates the limit on the amount of inmates that can be held. The average number of DOJ or US Marshall inmates is in the low thirties and in the low to mid sixties for ICE arrests, total average is under 100.

Commissioner Smith noted Jail food costs, and asked how they are calculated and if they are higher than medical treatment contract costs. Deputy Chief Brian Pellerin stated that it's three meals a day per inmate but there are 75 more inmates this year and many specialty meals depending on dietary and religious restrictions. Deputy Chief Pellerin explained that the cost varies but a meal cost averages \$2 to \$4 per meal. County Manager Gailey addressed Commissioner Smith's comment about the medical contract, the medical treatment services contract will be going out to bid. Commissioner Smith asked what impact the newly expanded medical wing had on jail medical costs, Deputy Chief Pellerin explained it depends on staffing. If a hospital visit is required then there is an increase in the cost for a hospital detail.

Chair Gorden opened public comment at 7:36 p.m.

Public comment was received from Al Cleveland, Portland and Cece Robinson, Portland.

Chair Gorden closed public comment at 7:43 p.m.

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

Yes:	5 -	Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier
No:	0	

25-115

Transfer \$1,260,889.00 from the Undesignated Fund Balance to the Strategic Planning Reserve.

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

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

UNFINISHED BUSINESS

The Board of Commissioners may make a motion to take Agenda Item 25-112 from October 20, 2025 meeting off the "table" for reconsideration. If reconsidered, Item 25-112 will be brought back to the original Motion as amended.

No further public comment will be taken as public comment was received at the October meeting for this item.

25-094

Approval of the HOME-ARP Funding Recommendations. First Public Hearing on September 15, 2025 and Final Public Hearing on October 20, 2025.

A motion was made by Vice Chair Smith, seconded by Commissioner Cloutier, that the Order Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

25-113

Final Reading of Proposed Amendments to the Cumberland County Government By-laws, Which Establish an Alternative Disbursement Warrant Authority and Incorporate the Board's Previously Approved Public Participation Policy into the By-laws.

A motion was made by Vice Chair Smith, seconded by Commissioner Caterina, that the Order be ADOPTED. The motion carried by the following vote:

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

25-112

Authorize the County Manager to provide notice no later than December 1, 2025, to amend the U.S. Marshals Prison Operations contract to reflect the exclusion of Immigration and Customs Enforcement (ICE) detention.

Commissioner Smith stated that when a request for reconsideration is made, it should be taken seriously, as decisions deserve thoughtful reflection. She noted that public transparency is important because many citizens are unfamiliar with Robert's Rules of Order, which guide the board's procedures. She added that leaving a matter unresolved is not in the board's best interest and can create confusion. She asked that the motion be untabled and brought forward for reconsideration.

A motion was made by Vice Chair Smith, seconded by Commissioner Cloutier, that the Motion to RECONSIDER be UN-TABLED. The motion carried by the following vote:

Yes: 5 - Chair Gorden, Vice Chair Smith, Commissioner Caterina, Commissioner Tyler, and Commissioner Cloutier

No: 0

Commissioner Cloutier explained that he had originally moved to leave the matter on the table. He acknowledged the divided vote but stated he believes there are more productive approaches than canceling the contract and has been working with community members on alternative solutions. He stated that with one month left in the current year, he would not support reconsideration. He moved to table it for two months.

A motion was made by Commissioner Cloutier, seconded by Commissioner Tyler, that the Motion to RECONSIDER be TABLED to the Board of Commissioners, due back on 1/5/2026. The motion failed by the following vote:

Yes: 2 - Commissioner Tyler, and Commissioner Cloutier

No: 3 - Chair Gorden, Vice Chair Smith, and Commissioner Caterina

Commissioner Smith said that while commissioners may vote the same way as before, it is important for the community to understand where the board stands now. She emphasized that clarity is preferable, whether or not anyone has changed their view, and that reconsideration provides a way to acknowledge community concerns rather than doing nothing. She asked that if no money were involved, if it were purely about social justice, it might change people's decision. She concluded that her comments from the last meeting still stand.

Chair Gorden explained to the public that voting for a reconsideration would allow the original motion as amended to be brought for discussion.

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

Yes: 3 - Vice Chair Smith, Commissioner Caterina, and Commissioner Tyler

No: 2 - Chair Gorden, and Commissioner Cloutier

Commissioner Tyler stated that he would vote the same way he had previously on the original motion. He thanked those who had repeatedly spoken on the issue but explained that media coverage had prompted feedback from District 2 constituents. He said he had received numerous calls and emails that support his previous position. Based on the views of those he represents, he will vote the same way again.

Commissioner Cloutier stated that he does not intend to vote to terminate the contract at this time, though he believes it is unlikely to survive the coming months. He expressed concern over the moral and racial implications of the current ICE incarceration system and the lack of due process for detainees. He

noted that federal regulations exist and need to be followed. He stated that meaningful change could come through litigation, enforcement, or changes to state law, including a bill expected in early 2026. Commissioner Cloutier emphasized that the county has a responsibility to address these issues responsibly. He concluded that action should be taken to improve the system rather than ending the contract. He reiterated that ending the contract would not end ICE in Maine.

Commissioner Tyler stated that his position is not motivated by money, noting that the county might manage without the revenue if necessary. He emphasized that a path from the state government is needed. He expressed concern about the lack of clarity in ICE procedures but that individuals here illegally would be arrested. He highlighted the value of lawful immigration processes, citing his attendance at naturalization ceremonies. Commissioner Tyler corrected a comment made by the public that it's not a civil crime, at a minimum it's a federal misdemeanor and is a crime.

Commissioner Cloutier added that his position is not influenced by money, the county has previously managed without the federal revenue. He acknowledged that losing it could create challenges, but that county taxation is a small portion of overall local taxes.

Commissioner Caterina stated that she will vote to cancel the contract, citing constituent support and humanitarian concerns. She stated that ICE is not acting as a legitimate law enforcement agency, her decision is a moral one. She encouraged the public to engage state legislators for increased state support and guidance, noting that the county is acting alone. She would like to see more support from the state. She recently toured the jail with Senator Rachel Talbot Ross and Representative Dylan Pugh and noted the racial composition of the federal pod compared to the other pods. She noted that she had toured in the past but this was different. She acknowledged the complexity of the issue but emphasized that, for her, canceling the contract is the right course of action.

Commissioner Smith acknowledged the public that reached out to support her current stance. Over 100 emails said to cancel the contract while 10 emails stated that she should change her vote so that the contract money would not affect the tax base. She said that there is balance and the totality of what's happening is irresponsible for the county to be involved with the federal government the way it is currently being run. She stated that it does not seem like the constitution is being upheld, that people's rights potentially are being violated. She hoped that they could find a creative solution to correct the situation because people's lives are being ruined for no reason.

Chair Gorden stated that the vote is a two part question, balancing the cost of accepting a prisoner and the requirement of federal and state of P42 that the Jail is prohibited from not receiving prisoners. They have no choice, prisoners brought to them, they have to hold them. Chair Gorden explained that, under current law, the county must accept arrestees brought by law enforcement, including ICE with an administrative warrant, and the jail cannot refuse them. Revoking the contract would shift the cost of ICE detainees from the federal government to the county and local taxpayers, affecting low-income residents. Chair Gorden concluded that revoking the contract would not impact ICE

operations but would harm the community, and then they have more money, he stated he will vote against cancelling the contract.

Commissioner Cloutier noted that state law clearly requires the county to accept prisoners presented by any law enforcement agency, including ICE, regardless of whether the contract is canceled. He mentioned a bill introduced by Senator Talbot Ross that could make acceptance discretionary, possibly under the sheriff's authority, but emphasized that any changes would be determined by the legislature. He concluded that while the situation is challenging, it is not entirely hopeless.

A motion was made by Commissioner Cloutier, seconded by Vice Chair Smith, that the Order be APPROVED AS AMENDED. The motion failed by the following vote:

Yes: 2 - Vice Chair Smith, and Commissioner Caterina

No: 3 - Chair Gorden, Commissioner Tyler, and Commissioner Cloutier

COMMENTS FROM THE EXECUTIVE STAFF

Finance Director Grover stated that she was given a preliminary audit from the auditors and is waiting for additional information to complete the SEFA. She is still waiting for the update on the jail audit.

COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey shared that Angela Giordano, the Substance Use Prevention Team Lead in the Public Health Office, was awarded the Ripple Effect Award by the Maine CDC at their annual Maine Prevention Network Conference. The award is for a Prevention Professional who is doing outstanding work in each discipline in substance use prevention, tobacco prevention and healthy eating and active living.

County Manager Gailey shared that the county received a thank you from Somerset County. There was a drinking water problem and Cumberland County EMA was able to quickly respond with a shipment of drinking water to Somerset County. He also shared that Jessica Spalding, the Register of Deeds is completing a pamphlet to be publicly circulated and available on the county website to prevent deed fraud.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Caterina stated that she attended the animal rescue team meeting at the Cumberland County EMA which is an organization established per Federal Law. A mock emergency event will be held in Windham this Saturday.

Commissioner Smith thanked the Veterans in honor of Veterans day and also thanked the families of Veterans for their service.

Chair Gorden thanked the public for their feedback. He feels bad that he is unable to address concerns and does not want to help ICE. Ultimately, he can't justify hurting another group when the change will not have the desired outcome.

Next Meeting:

Monday, December 15, 2025

Monday, January 5, 2025

ADJOURNMENT

At 8:29 p.m. a motion was made by Jean-Marie Caterina, seconded by Tom Tyler, to ADJOURN the meeting. The motion carried by a unanimous vote.