



# Cumberland County

## Board of Commissioners

### Meeting Minutes - Final

142 Federal St  
Portland, ME 04101

The Board meets at 5:30pm in the Peter Feeney Room unless otherwise noted.

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**Monday, January 6, 2025**

**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 Stephen Gorden at 5:35 pm.

#### **PLEDGE OF ALLEGIANCE**

#### **SWEARING IN NEW COMMISSIONERS**

Corporation Council Alyssa Tibbetts sworn in the Commissioner District 2 Jean-Marie Caterina, Commissioner District 2 Tom Tyler and Register of Probate Susan Schwartz.

#### **ATTENDANCE**

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

#### **County Staff:**

James Gailey, County Manager  
Alex Kimball, Deputy County Manager  
Katharine Cahoon, Admin and Special Projects  
Theresa Grover, Director of Finance  
Amy Jennings, Director of Human Resources  
Alyssa Tibbetts, Corporation Council  
Susan Schwartz, Register of Probate  
Kevin Joyce, County Sheriff

#### **APPROVAL OF THE MINUTES**

[CD 25-001](#) Approval of the minutes, December 9, 2024, meeting of the Board of Commissioners

A motion was made by Vice Chair Smith, seconded by Commissioner Cloutier, that this Minutes Report be approved.

Commissioner Caterina requested that the minutes report be changed to reflect that she is from Scarborough and not South Portland.

*A motion was made by Commissioner Caterina, seconded by Vice Chair Smith,*

*that this Minutes Report be APPROVED AS AMENDED. The motion carried by a unanimous vote.*

## INFORMATIONAL REPORT/PRESENTATIONS

There were no presentations or reports.

## 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 Caterina, to approve the Consent Agenda. The motion carried by the following vote:*

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

**No:** 0

[25-001](#) Authorization of the Creation of a Special Revenue Fund consisting of Restorative Justice payments collected by the District Attorney.

*This Order was APPROVED.*

[25-002](#) Authorization for the County Manager to enter into a sole source contract between Cumberland County and Health Resources in Action.

*This Order was APPROVED.*

## NEW BUSINESS

[24-113](#) 2025 Calendar Year Board of Commissioners Meeting Schedule

The Board of Commissioners agreed that they would meet on the third Monday of the month and hold a workshop on the first Monday of the month when needed. Per the Charter Bylaws, the Board will meet on the first Monday of January.

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

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

**No:** 0

[24-115](#)

2025 Board of Commissioners Committee Assignments

Chair Gorden requested that the item be tabled until the next meeting.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Caterina, that the Order be TABLED to the Board of Commissioners, due back on 2/18/2025. The motion carried by the following vote:*

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

**No:** 0

## COMMENTS FROM THE EXECUTIVE STAFF

Commissioner Gorden asked County Sheriff Joyce to speak. Sheriff Joyce presented some materials which are attached to these minutes.

Sheriff Joyce wanted to clarify to the Board of Commissioners that a recent article was circulating that Cumberland County is a Sanctuary County. He wanted to clarify that it's not a sanctuary jail and the jail does not accept detainers which is a request from ICE to hold an inmate longer than necessary. Sheriff Joyce explained that there is liability when accepting detainers so it's a practice that is not done at the County. Because they do not participate in this practice, Cumberland County Jail was listed as a Sanctuary County in a recent news article. He explained that enforcement of Immigration Laws are the responsibility of ICE but would provide back up as a law enforcement agency if requested as they would do for any other agency requesting back up. If someone is arrested on ICE charges, the ICE agent assigned to the County Jail is responsible for the inmate, not the Sheriff's office.

Commissioner Smith asked what the legal liability is, County Manager Gailey stated that the liability is unknown given the incoming Administration. The County has a lot of Federal grants and has a current contract with the Federal Marshals. It's important that the Sheriff distinguish his role in enforcement versus ICE enforcement. The County has never voted to be a sanctuary County.

Commissioner Smith asked Sheriff Joyce to inform the Board of Commissioners if there are other developments that impact the County.

Commissioner Caterina commented that she was glad the Sheriff was able to clarify what the County was doing as she had been asked if the County will participate in enforcement of ICE.

Commissioner Cloutier commented that he had seen the City of Portland Chief of Police prohibit Portland Police participation in mass arrests conducted by ICE in Portland. Senator Snow at the time put pressure on the situation. At the time, the City of Portland decided not to adopt a policy because immigration laws are a Federal law enforcement issue and have their own internal procedures. Adopting a policy would require special training and adoption of the ICE internal procedures. Commissioner Cloutier noted that it's a complex issue that is outside the scope of the local law enforcement. The current procedure is if there is probable cause to arrest, for a violation that's an immigrant status question, then law enforcement might arrest, if they do, the arrested individual is brought to the County Jail and incarcerated unless the bail commissioner lets them out. Absent of probable cause it (the arrest) is against the law. Commissioner Cloutier pointed out that the County cannot be a sanctuary when there is an agreement with the Federal Marshals in place.

Sheriff Joyce added that arrests are based on the crime that is committed and the individual is brought to the County Jail. If ICE requests a detainer without probable cause and proper paperwork, the County Jail follows local laws and will not hold the arrested individual beyond their current stay. Sheriff

Joyce stated that overall the relationship with the Federal Government has been a positive experience and they are excellent partners.

Commissioner Gorden invited Register of Probate Susan Schwartz. Register of Probate Schwartz shared that she was appointed by the Governor after the previous Register of Probate, Nadeen Daniels, stepped down. She works with five clerks, one Deputy Register of Probate and a part time appointed Judge of Probate. In 2024 they opened over 2,000 files of all different types of cases, including adoptions, name changes, adult and minor guardianships, and then probate estate cases both formal when there is an issue with the filing it goes before the judge an informal probate. She stated that it was an honor to serve and work with the rest of the Probate staff who are compassionate and competent.

Commissioner Cloutier thanked Register of Probate Schwartz and complemented the knowledge of her staff. Chair Gorden asked if there was a rise in certain case types in her office, she stated that adult guardianships are growing. The theory, maybe, there is a naturally aging population when children, grown adult children and caretakers tend to need to be appointed Guardians. On the flip side unfortunately, it does seem like there's an increase in adult Guardians being appointed for young adults. She spoke about her previous work as an attorney and past experience in Philadelphia. She is looking forward to working in her role with the County for the next four years.

Director of Human Resources Amy Jennings stated that she is currently in two active negotiations, one with the jail employees correction officers and the other with Dispatch. She starts negotiations next week with the teamsters correction supervisor unit and then the following week with the teamsters law enforcement. Hopes to wrap up Dispatch if everything goes well. She will be looking for financial guidance at the next few meetings. The County has approximately 36 current openings countywide which is probably the lowest in some time. 12 are non-union employees, 7 Patrol Deputy openings and 15 in Corrections, 2 in Dispatch. Happy with those numbers and hopes to continue to get more correction officer applications as well as Patrol. She pointed out the hiring process is still involved and takes an average of five to six weeks to get applicants through. The non-union employees are being filled quickly.

Commissioner Smith thanked HR Director Jennings for her update and added that she should enjoy her successes.

Finance Director Theresa Grover stated that she and her staff are covering holidays and working on extra programming for their software. They are also implementing the new Maine Paid Leave and National Day of Mourning as well as the rest of the year end reporting requirements.

Deputy County Manager Alex Kimball stated that the jail medical wing and 27 Northport construction projects are running as expected. Realistically staff will be moving over the course of the month of this April into the 27 Northport address.

## **COMMENTS FROM THE COUNTY MANAGER**

County Manager Gailey informed the Commissioners that there are three upcoming meeting dates, January 21st the finance committee is meeting in this room at 5:00 am all indications are lining up that this could be their last meeting.

February 3rd a Monday will be a budget Workshop, and February 18th as the Commissioners approved this evening as the next meeting and will be the adoption of the budget.

For the National Day of Mourning this Thursday will be a working day for All County Employees as a result of the Federal Directive from President Biden. It trips some language within our collective bargaining agreements for those who are essential so they need to come in and their bargaining agreements will dictate how it is handled in their particular CBA. For non-union staff it will be a working day but crediting non-union staff members with eight hours of earned time to be taken at a later date upon supervisor approval. The County Manager welcomed Commissioner Caterina and Commissioner Tyler. He stated that they have a busy year ahead of them and it's nice to have them on board.

## **COMMENTS FROM THE COUNTY COMMISSIONERS**

Commissioner Cloutier congratulated all of the local Fall sport champions and stressed the importance of participating in any school sport. He also welcomed Commissioner Caterina and Tyler. He stated that it would be a good opportunity to embark on creating a new strategic plan. He suggested kicking off the process in the late Spring.

Commissioner Tyler thanked the Board for their welcome and looks forward to working with them in the future.

Commissioner Caterina thanked the Board for allowing her to participate in the meetings in the Fall and knows that she has big coattails to fill (Neil Jamieson). She is looking forward to working with staff and municipal town leaders in her district. She encouraged the public to reach out to her. She is planning to set up meetings with Town managers to learn more about her municipal district.

Commissioner Smith congratulated the County Manager Gailey and Deputy County Manager Kimball in terms of the budget and the finance committee in 2024. She thought that the process was very well laid out and appreciated the input from other municipal leaders. Commissioner Smith stated that she would like to see some goals for next year's budget in terms of how the budget will be trending for towns and cities as they are building their budget. Commissioner Smith noted that she participated in the strategic planning exercise a few years ago and given the size of the county, feels there are a few things undone. It may not be necessary to do a full blown strategic plan exercise but an update on the progress of the existing strategic plan would be helpful. She was pleased to hear about the update from HR and believes that it translates to a stronger team. She is looking forward to 2025 and working with everyone.

Chair Gorden stated that he had some ideas regarding the Civic Center. Could the Civic Center have a full day of basketball and other sports tickets to go to any or all of the games. He agreed with Commissioner Smith about the County continuing to offer regional services such as Assessing and Dispatch services. He has heard positive feedback about the regionalization of the fire training program and it's a big impact on smaller communities since the cost of a fire truck five years ago was \$650,000 and now it's somewhere between \$2 to \$3 million. The county has the opportunity to support and help stabilize a lot of smaller communities in the background.

## **NEXT MEETING:**

**Workshop - Monday, February 3, 2025**

**Meeting - Tuesday, February 18, 2025**

## **ADJOURNMENT**

*At 6:35 pm a motion was made by Tom Tyler, seconded by Jean-Marie Caterina, to adjourn the meeting. The motion carried by a unanimous vote.*