



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, May 13, 2024

5:30 PM

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

Regular Meeting Agenda.

A Workshop and an Executive Session will follow separately after adjournment.

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 5:35 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
Theresa Grover, Director of Finance
Amy Jennings, Director of Human Resources
Don Goulet, Labor Relations Specialist
Kristin Styles, Director of Community Development
Katharine Cahoon, Admin and Special Projects
Kevin Joyce, County Sheriff
Brian Pellerin, Chief Deputy
Kerry Joyce, Patrol Captain

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

The Board agreed to vote on the minutes report after further discussion of #24-041.

[CD 24-009](#) Approval of the minutes, April 8, 2024, meeting of the Board of Commissioners

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

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

No: 0

INFORMATIONAL REPORT/PRESENTATIONS

[CD 24-010](#) Regional Communications 2024 Newsletter, 1st Quarter

This Report was RECEIVED AND FILED.

[CD 24-011](#) Jail Board of Visitors 2023 Annual Report CCSO Response

Sheriff Kevin Joyce introduced Colleen Hilton, long standing Chair of the Jail Board of Visitors (JBOV). He gave some history about the JBOV and the changes with different state mandated requirements over the years. Recent changes include required member qualifications, four meetings per year and member training for JBOV which has resulted in membership restructuring.

Chair Hilton thanked the Sheriff for his introduction, she summarized that as the largest Jail in the State of Maine, staffing levels have been challenging. The jail now has around 140 Staff members and an average of 240 inmates a day and 4,000 are processed annually. She summarized the Annual report and noted that the Jail has resumed pre Covid Programs, continued it's Armor Medical partnership, staffing has increased since last year and a majority of staff hired are New Mainers. The feedback from Jail inmates has been mostly positive. With stated mandated requirements for the JOBOV, the board will continue to modify policies and recruit new members. Recommendations for the Jail include upgrading and adding security cameras, offer writing and English comprehension courses to staff.

Commissioner Smith asked if the JBOV has enough members for a Quorum, is the JBOV required to have a Quorum? Chair Hilton explained that there are currently four out of seven members and not bound by a Quorum.

This Report was READ INTO THE RECORD.

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 Commissioner 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

[24-046](#) Sheriff's Office Commissions March 1st - May 1st , 2024

This Order was APPROVED.

[24-047](#) Authorization for the County Manager to enter into a contract between Cumberland County and Stone Mountain Systems for Broadcast Room Audio Upgrades in the Cross Insurance Arena for the amount of \$20,040.40.

This Order was APPROVED.

[24-048](#) Authorization for the County Manager to Purchase two Electric Vehicles from Rowe Ford, of Westbrook, Maine, for the amount of \$81,017 using the Energy Efficiency and Conservation Block Grant and County Reserve Funding.

This Order was APPROVED.

[24-049](#) Authorization of the Law Enforcement Service Contract between the Cumberland County Sheriff's Office, Board of County Commissioners and the Town of Chebeague Island from May 22, 2024 - September 2, 2024.

This Order was APPROVED.

[24-053](#) Approval to Accept the Bureau of Justice Administration - Patrick Leahy Bulletproof Vest Partnership Grant in the amount of \$6,129.50.

This Order was APPROVED.

NEW BUSINESS

[24-041](#)

Approval of the Substantial Amendment to the Cumberland County/City of Portland HOME Consortium’s HOME-ARP Action Plan. Public Hearing on 4/08/2024 and Final Read.

County Manager Gailey stated that the agenda item did not have a motion or second at the last meeting on Monday, April 8, 2024 while a vote was taken (3-0), it was clear that the intent was to approve the agenda item. After consulting with legal counsel, they recommended that the Board of Commissioners vote to ratify the item so that it would clearly show that the intention was to approve item #24-041 and allow all members present to vote. Once ratified, the Board should also amend the April 8, 2023 minutes to reflect the final action.

A motion was made by Commissioner Gorden, seconded by Commissioner Jamieson, that the Order Requiring a Public Hearing be RATIFIED. The motion carried by the following vote:

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

[CD 24-009](#)

Approval of the minutes, April 8, 2024, meeting of the Board of Commissioners

A motion was made by Commissioner Jamieson, seconded by Commissioner Gorden, that the Minutes Report be UN-TABLED. The motion carried by the following vote:

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

A motion was made by Commissioner Jamieson, seconded by Commissioner Gorden, that the Minutes Report be AMENDED. The motion carried by the following vote:

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

A motion was made by Commissioner Smith, seconded by Commissioner Gorden, that the Minutes Report be APPROVED AS AMENDED. The motion carried by the following vote:

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

[24-043](#)

Approval of the Community Development 2024 Annual Action Plan including the allocation of CDBG and HOME partnership funds and Authorization of the County Manager to execute all required Certifications, Applications and Documents in conjunction with the submittal of the 2024 Consolidated Annual Action Plan.

Community Development Director Kristin Styles spoke about the final allocation from HUD to Cumberland County increased by \$8,600 and the City of Portland allocation was reduced. The funding for the HOME Partnership Program was reduced by \$141,000 and is ultimately \$76,000 less than presented last month. Once approved, the Plan will be submitted to HUD with a goal of Friday, May 17, 2024.

County Manager Gailey requested that the motion be modified to also authorize James H. Gailey, County Manager to execute all required Certifications, Applications and Documents in conjunction with the submittal of the 2024 Consolidated Annual Action Plan.

Chair Cloutier opened the public hearing for public comment. There were no members from the public and the public hearing was closed.

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

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

No: 0

[24-050](#)

Approval the 2024/2025 Cross Insurance Arena Operations Budget and Trustees Budget.

County Manager Gailey stated that General Manager Mike Loconte was unable to attend the meeting and requested that the agenda item be tabled until the next meeting.

A motion was made by Commissioner Gorden, seconded by Commissioner Smith, that the Order be TABLED to the Board of Commissioners, due back on 6/10/2024. The motion carried by the following vote:

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

No: 0

[24-051](#)

Amendment of the Non-Union Personnel Policy, incorporating a Retiree Return to Work Policy effective April 1, 2024.

Human Resources Director Amy Jennings gave an overview of the policy and explained that it went through numerous revisions. HR Director Jennings explained that the policy allows for more formal discussions to take place regarding returning to work after retiring. The employee will be considered a "Retired-Rehired Employee". Eligible employees must be regular benefits, non-union employee, positive recommendation by hiring manager and the

County Manager, position is required by the County, not slated for elimination, no history of employee disciplinary or suspension. The terms for Retired-Rehired employees will be treated as a "New Hire" and eligible for regular benefits. Employees who retire after April 1, 2024 are eligible for a work period of 3 years and an extension of additional 3 years. She highlighted the minimum hours worked per week, the County contribution rate agreement, and pension options.

Commissioner Gorden asked about the County Penalty of 5%, is it ongoing? HR Director Jennings stated that it was a onetime penalty. Commissioner Smith asked if there were breaks in the service, HR Director Jennings stated that it was continuous. At this time, two three-year spans of service are the current maximum but could be amended in the future. Commissioner Smith stated that she it was great policy and helpful to the organization. She concluded that the policy is flexible and helps the organization retain internal knowledge and is very fair and generous. Commissioner Witonis asked about the status of the pay scale, County Manager Gailey explained that upon being rehired, the employee would be a "New Hire" and lose their seniority. Chair Cloutier clarified, that they would lose their seniority, but their experience would be considered. HR Director Amy Jennings confirmed that experience would be considered as a "New Hire".

Commissioner Smith modified the agenda item with an effective date of April 1, 2024.

A motion was made by Commissioner Smith, seconded by Commissioner Jamieson, that the Order be APPROVED AS AMENDED. 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 Communications Director Melinda Fairbrother-Dyer was awarded the 2023 Director of the Year Award. She was recognized at the Maine National Emergency Member Association Conference in South Portland. County Manager Gailey recognized her efforts as Director; managing the transition to a newly expanded facility, transitioning the Dispatch system to a new digital radio system, and keeping up with staffing vacancies. He shared that County ARPA projects, external and internal, were alerted that deadlines were approaching for completion date of 2026. Projects are being identified that will not meet the deadline and be reallocated elsewhere. The County Jail Medical Wing expansion is underway and the contaminated soil is being removed to be treated. At the Cross Insurance Arena the new dasher boards and glass are being installed. He recently read a Portland Press Herald article about Opioid Settlement Funding and how communities and counties are allocating their funds to benefit the community. The Cumberland County Public Health Department is doing great work.

COMMENTS FROM THE EXECUTIVE STAFF

County Deputy Manager Alex Kimball shared that the Administrative Building at 27 Northport is

finalizing the design for the building layout.

Finance Director Theresa Grover shared that the Finance Department is attending a training in Florida and will not be at the next Board of Commissioner Meeting. Their Department is currently scanning and reducing paper files for the relocation to the new building. Commissioner Gorden shared with Finance that Maine Jails will receive a portion of \$4Mil that is being allocated by the State.

HR Director Jennings shared that the HR Department is updating and making changes to the non-union Personnel Policy and will present the final copy in June.

Sheriff Joyce shared that there were 10 graduates from the Corrections academy, 3 will need to retake the test, staff have been tutoring those that need to retake the test. The population for the inmates is around 300 to 310, those lingering with low bail are being released instead of languishing. The current inmate population has experienced a high rate of illness and staff have been relying on outside staff for medical detail, especially Scarborough PD. Captain John Costello retired after 40 years, a Law Enforcement K-9 officer transitioned to the Game Wardens Service. Law enforcement services contracts are being negotiated with the Town of Casco; and the Town of Standish would like an eighth Sheriff Deputy. Commissioner Gorden apologized to Sheriff Joyce for leaving him out of the budget jail discussion, Sheriff Joyce thanked him and agreed with the Commissioner's comments about the budget and there are a lot of laws being passed without considering it's effects. Attracting volunteers post Covid has been difficult. Court Holding has become problematic for Defense Attorneys, a recent bill came out that attorney client privilege needs to be more than it currently is. The Sheriff met with the Court Judges and District Attorneys to make sure defense attorneys can meet with their clients. Meeting virtually is also an option. County Manager Gailey shared that he has had a few discussions with Courthouse Facilities about modifying Courtroom One to offer more meeting space. Sheriff Joyce commented that it's a delicate balance and that the transport staff are doing the best they can to make sure that the constitution is honored. Chair Cloutier asked if the State uses Zoom. Sheriff Joyce confirmed that they do, some cases require to meet in person, some can meet through zoom. He listed some of the staffing complications and lack of equipment to support inmates cases through zoom at the jail while simultaneously transporting clients to the court in person. The size of the transport bus and the short distance from the Jail to the Courthouse doesn't make sense to meet through zoom instead at the Courthouse.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Smith shared that she is attending a few of the Cumberland County UMaine Extension Meetings and they are setup for a successful year. She added that May is Maine Cyclist Month and the public should be aware of cyclists on the road.

Commissioner Jamieson echoed Commissioner Smith, that many school sports are continuing and he encouraged the public to support their school teams.

Commissioner Witonis informed the Board that she received an email earlier in the afternoon from GPCOG that the Nomination Committee was considering replacing the County Commissioner seat with either Yarmouth Town or North Yarmouth Town. She stated that she received the notice after she notified GPCOG that her term ends at the end of 2024. With this replacement, the County currently pays \$10,000 annually, but would not be part of the Executive Committee. She asked the Board if they would consider continuing their membership with GPCOG when they are getting less going forward. She recommended that the Board of Commissioners cease its membership with GPCOG. Chair Cloutier asked County Manager Gailey to explore the development further and report back to the Board at the June 10, 2024 meeting.

Chair Cloutier shared that he attended the Special Olympics at Bonney Eagle High School and almost all of the Towns were represented. There were over 100 participants and the event lasted all day. The next event will consist of the State of Maine in June and held at UMaine Orono for a 3-day event. He encouraged schools that do not participate to consider doing so. There are agencies that provide “Dayhab” for residents that are older than school age to offer support opportunities.

Next Meeting: Monday, June 10, 2024

ADJOURNMENT

At 6:32 PM a motion was made by Stephen Gorden, seconded by Neil Jamieson, to ADJOURN the meeting. The motion carried by a unanimous vote.