



Cumberland County

Board of Commissioners

Meeting Minutes - Draft

142 Federal St
Portland, ME 04101

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

Monday, May 19, 2025

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 Stephen Gorden at 5:31 p.m.

ATTENDANCE

County Staff:

James Gailey, County Manager
Alex Kimball, Deputy County Manager
Theresa Grover, Director of Finance
Amy Jennings, Director of Human Resources
Katharine Cahoon, Admin and Special Projects
Kevin Joyce, County Sheriff
Michael Durkin, EMA Director
Michael LoConte, Cross Insurance Arena General Manager

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

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

[CD 25-014](#) Approval of the minutes, April 22, 2025, meeting of the Board of Commissioners

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

INFORMATIONAL REPORT/PRESENTATIONS

[CD 25-015](#) Informational Report Finance Department FY25 General Fund Budget Report through April 30 2025.

Finance Director Theresa Grover shared that the 83% had been spent across 3 quarters and a month, there is nothing out of the ordinary and there are two months of the year remaining.

COMMENTS FROM THE PUBLIC

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

Public comment was received from the following individuals concerned about the current enforcement practices used by US Immigration and Customs Enforcement, or ICE.

Todd Kreshna from Portland; Grayson Lookner, State House Representative in Portland; Craig White of Lisbon Falls; Benjamin Stybal, Portland, originally from St Louis, Missouri; Nancy Markowitz, Portland; Dorothy Blanchett, Portland; Joanne Trappord, Food pantry coordinator in Cumberland County; Katie Riley, Portland; Debbie Reich Snyder, Falmouth; Susan Henderson, South Portland; Ashley Schumacher, Freeport; Amelia Clancy, Portland; Sue Anderson, Portland; Brendan McQuade, Portland; Darcy Drew, Portland; Margaret Albright, Freeport; Clara Porter, Portland; Charlotte Ruddy, Portland; Steve Carroll, Portland; Wade, Portland; Kate Vey, Westbrook; Mallory Har, Portland; Lila Kohrman-Glaser, Portland; and Reach Cushing, Brunswick.

They expressed concern that Cumberland County's current Federal Inmate Jail contract is enabling illegal enforcement practices by ICE. There were also concerns that the Sheriff's Department's law enforcement has been assisting with illegal ICE arrests. Concerns were voiced about the impact on the community of Cumberland County as a result of these practices.

County Sheriff Kevin Joyce spoke in response to concerns about ICE related practices. He stated that Cumberland County does not enforce immigration law, and will not participate. He does not support entering into 287g. His department is responsible for enforcing local law enforcement and will not consider adding 287g. He stated that immigration law is complex, and with only 40 hours of training under 287g, it's an insufficient amount of time to be properly trained. He stated, he met with two new employees today, who have been here two and a half years and from Angola. He found it interesting to talk with them. While the inmates of the jail vary, his job is to accept all arrests, and follow due process. He stated he has been up front about his position and has always refused when ICE has requested a hold on certain inmates, or detainer, in order to conduct a 48 hour investigation. He continues to refuse these requests without probable cause. He stated, local law enforcement can check on people's licenses but they are not tracking where and when individuals crossed the border or if under observation for ICE. Local law enforcement does not have business participating whatsoever in immigration enforcement. He agreed with the public's voiced concerns that it's bad for law enforcement when vans with masked men jump out and take custody of somebody. He stated that he has never instructed his deputies to, "Put a mask over your head, jump out, grab this person, yank them into a van and race off." He stated he wears his uniform and he is being transparent. When his department takes somebody into custody, other than a detective, they will never cover up their faces because the public should know who they are and that they are doing their job. He noted that unfortunately ICE is controlled out of DC, they are not local. He stated that as a member of the Board of Directors for the National Sheriffs, he receives information before it's public, and that Cumberland County and probably all the states and counties in Maine, will be listed as a sanctuary area because they are not signed up for the 287g. He explained that the Jail has 60 to 100 ICE inmates and about 100 federal inmates so the other third are US Marshall inmates. His Sergeant monitors ICE court and he can assure the public that due process is happening every day. The folks in custody are going before the judges at one point or another. He gave some history regarding the county's relationship with the US Marshalls. He has been with Cumberland County Sheriff's Dept for 38 years. For 31 years, the jail has held ICE inmates and Marshall inmates. In 1991, when the county Jail was being constructed, the US Marshalls gave the county commissioners a million dollars with an understanding that for 20 years they would have a certain number of beds. This is due to the proximity of the jail to the federal court. He emphasized that he is committed to making sure that the county does not

enforce immigration. He signed on and gave an oath to protect public safety. His position is that he will uphold it as much as he can and believes in due process and everyone is not perfect and there is a need for the influx of new Americans. He noted that some of the new Americans he has met, many are fluent in multiple languages while he struggles with English. Sheriff Joyce closed by saying that the Jail holds federal inmates and it's not uncommon. The situation is being ratcheted up by many sides and his office will do the best they can and do what's right for everybody.

Commissioner Cloutier addressed the public and thanked Representative Lookner for his service. Commissioner Cloutier noted that when he was on the Portland City Council, Immigration Services had arrived at the Preble Street Resource Center where Wayside Soup Kitchen was, and then escorted anyone who was brown or black to the county jail. The arrested individuals were incarcerated and half of them were unable to access the documentation they had to demonstrate they were lawfully in Maine, lawfully working and certainly lawfully having something to eat. The Portland City Council raised hell and Senator Olympia Snow had some friends in the Senate. In 48 hours, the new Immigration supervisor was transferred back to Texas and that was the end of that. The Portland City Council consulted with the Police Chief at the time, Michael Chitwood, who was a famous detective. Police Chief Chitwood argued that immigration is not a police matter. Police Chief Chitwood told the City Council that the City of Portland Police would not enforce immigration law because they have no idea how it works. Commissioner Cloutier assured the public that Cumberland County is not participating with ICE, however ICE is operating within Cumberland County.

He went on to say that Maine has very specific bail laws and people are released from jail while ICE would prefer to detain them. A detainer is an informal agreement where a local jurisdiction will continue to incarcerate somebody without legal basis until ICE can show up with an arrest and with probable cause. He stated that Sheriff Joyce enforces due process in every instance and does not grant detainers. He stated that as a lawyer, during COVID, with the Courthouses closed and everybody masked, under no circumstances was there a detainer or some kind of informal incarceration. He pointed out that is a common practice in other parts of the United States. This is a shameful practice and under no circumstances is it the County's policy that that would ever be the situation. That is not the practice in Cumberland County, individuals at the Jail are under arrest lawfully with probable cause, with the right to both a bail hearing and consideration and due process or they're released. That's it.

Commissioner Cloutier spoke about the history of Maine and it's role supporting immigration and the Underground Railroad which was the last stop before Canada. He spoke about his family's immigration and the challenges that they faced given prejudices toward Irish immigrants. He urged the public to read the poem engraved on the Statue of Liberty. It tells the tyrants of the world that they can kick out whoever they want and those are the people that the US wants. He stated that he appreciated the public comment and a special thanks to the teachers in Portland. He shared that his wife was a reading tutor at the Portland Schools which has a diverse culture. He noted that while on the Portland City Council at one point they had 65 different languages spoken at home for the students of the Portland schools which was around 7,000 students. He commented that it's truly remarkable what people do in order to help kids make progress. He shared that he would be glad to answer any questions the public has and could speak in the hallway after the meeting.

Another member from the public, Bruce, spoke about the Spirit of America Awards. He encouraged the Commissioners to consider participating and had compiled a list of individuals and organizations that should be recognized. Chair Gorden thanked Bruce for his hard work and would follow up with him.

Chair Gorden closed the public comment period around 7:00 pm and recessed for a 5 minute break.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Vice Chair Smith, seconded by Commissioner Tyler, 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

[25-044](#) Authorization of the Law Enforcement Services Contract between Cumberland County, Cumberland County Sheriff's Office, and the Town of Naples from June 11, 2025 to September 1, 2025.

This Order was APPROVED.

[25-045](#) Authorization of the Law Enforcement Services Contract between Cumberland County, Cumberland County Sheriff's Office, and the Town of Frye Island from May 21, 2025 to September 1, 2025.

This Order was APPROVED.

[25-046](#) Authorization of the Law Enforcement Services Contract between Cumberland County, Cumberland County Sheriff's Office, and the Maine School Administrative District #6 from August 2025 to June 2026.

This Order was APPROVED.

[25-047](#) Authorization to Utilize Justice Assistance Grant (JAG) Funding to Purchase and Install New Air Conditioning Units in the Mobile Command Post.

This Order was APPROVED.

[25-048](#) Reappointment of David Silk to the Cumberland County Board of Assessment Review for a three-year term 7/2026 - 6/2029.

This Appointment was APPROVED.

[25-049](#) Authorize the County Manager to submit to PowerPlay LLC (Maine Mariners) the ticket subsidy for 2024/2025 in the amount of \$144,183.00.

This Order was APPROVED.

NEW BUSINESS

[25-050](#) Award a bid to Buckspan/Deering Team at RE/MAX Shoreline for real estate services.

County Manager Gailey explained that the county would be using ARPA funds to purchase vacant land to create a land bank to partner with developers. The bid submitted proposed that if the seller does not cover commissions they would charge 3% for purchases under \$500,000, and 2.5% over \$500,000.

Commissioner Smith shared that it is a wise use of ARPA funding and supports the investment of affordable housing. Commissioner Caterina shared she is also

supportive of the development of "Workforce Housing". She noted that as a realtor, she is aware of how expensive housing is and supports the investment of ARPA funds in the community.

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

25-051

Appointment of Alyssa Tibbetts, of Tibbetts Law, as Corporation Counsel.

County Manager Gailey shared that the county's legal consultant, Jensen Baird, has closed their government advisory practice. Given the county's working relationship with Alyssa Tibbetts of Jensen Baird, the county will hire the newly formed Alyssa Tibbetts Law for corporation counsel. Additional services offered by Alyssa Tibbetts Law include personnel and labor issues, bonding, and TIF district creation. Other legal services such as contract review will need to be outsourced to another firm, however Alyssa Tibbetts Law will be responsible for the bulk of the county legal work. Commissioner Cloutier stated that he believed that Attorney Tibbetts has always been a good fit for the county.

A motion was made by Commissioner Cloutier, seconded by Commissioner Caterina, that the Appointment 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

25-052

Adoption of the proposed 2025 Cumberland County EMA Emergency Operations Plan (EOP) as submitted by the Cumberland County Emergency Management Agency.

Emergency Management Agency Director Michael Durkin presented the Cumberland County Emergency Operations Plan, one of three Emergency Operations Plans that his Department crafted. The plan guides what the EMA does during the disaster and in that kind of transition from during the disaster to rebuilding and describes the roles and responsibilities of county personnel. The plan specifically mentions the county Commissioners on page 21. Director Durkin explained that the commissioners during a disaster would provide policy guidance during emergency response efforts in coordination with the County Manager and CCEMA Director.

Director Durkin explained that the EMA is an all hazards agency and the plan details specific scenarios that his agency would manage such as cyber attacks, terrorist threat, or plane crash. Commissioner Smith asked Director Durkin what could change in the following years in regards to planning? Director Durkin explained that hazards come from a different planning process and a different planning document. The last EOP was in 2019 and included input from 3 different Towns. This EOP includes input from 22 different Towns and includes

input from hospitals and utility providers. He does not foresee any major shifts, winter weather will continue to be the highest threat. In the past mass shootings were not a high threat but that has changed since the Lewiston City tragedy. The biggest change is the incorporation of an incident support model that deviates from the Federal support model and is tailored to the needs of the county.

Chair Gorden asked Director Durkin if he sees consolidation of some services in communities. Director Durkin confirmed that he is seeing a lot more municipalities lean on the Emergency Management Agency for support because they cannot afford to have a fulltime their own emergency manager and they often end up creating a dual role with the fire chief who may not be available for emergency management as they're supporting fire management. Director Durkin stated that he expects a smaller FEMA organization in the future and towns will need to rely on the county EMA for resources. There are a handful of towns that he is working with for shared responsibilities.

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

[25-053](#)

Approval of the 2025/2026 Cross Insurance Arena Operational Budget, Capital Budget & Trustee Budget.

County Manager Gailey shared that the Cross Insurance Arena budget has been in the black for the past four years. General Manager Mike Loconte presented the Cross Insurance Arena's budget. He shared that the Arena has diversified some of the entertainment headlines with Broadway shows, trade shows, and professional conferences. He stated that some of the top performing shows included Nitrocircus, Kevin Hart, "Fluffly" Gabriel Inglesias. The combination of those shows will allow the Arena to end in the black. For the upcoming fiscal year, there is an increased operating income via the events with the structuring of ticketing fees without scaring the promoters. Operating costs for the building were around the \$3 million mark and he expects them to go higher in the future. Costs increased for utilities and technology, approach costs by performing preventative maintenance and planning properly for capital improvements. The Arena was built in 1977, with a major upgrade in 2014, but there are a lot of old parts of the facility that need to be maintained and replaced. For upcoming shows, a few shows that are not returning in 2026 and some that are in 2027, he will seek out shows to backfill them.

Chair Gorden asked GM Loconte to elaborate on preventative maintenance. GM Loconte stated that he looks at maintenance expenses over the past three years, what has been the most expensive. For example, filters for the HVAC system, and will get ahead of the previous years and secure a contract with a vendor that is going to be all-inclusive for all filters and offer a significant discount. County Manager Gailey stated that capital improvements would be part of the asset management schedule that is being coordinated with Facilities.

GM Loconte highlighted the arena capital needs, \$100,000 of locker rooms, an overhead rolling Zamboni tunnel door as recommended for replacement by the fire marshall's office, desktop computers AutoCAD, broadcast room AC, surveillance and alarm door system, replace the controls within the RGBs, \$10,000 for a video control system to remotely control concourse TVs for a total of 83 TVs, phased installation of portable bars. He continued, that hockey net winches for the nets behind each hockey net that protects the audience need replacement. The major item is the speaker system, the first phase of changing mixers and some amplifiers took place last summer, estimated at \$50,000. Another replacement includes Club blinds in the Hall of Fame Lounge. Overall proposing 2025-26 capital plan of \$287,500 through a combination of reserves and \$80,000 from the general fund for the Cross Insurance Arena each year. Other improvements include an HVAC control upgrade, replacement of the ice deck, roof surfacing AC chiller compressor which is scheduled for 2026-27 for a total of \$325,000. Future improvements include replacing the concrete floor, the Zamboni and the portable stage. Replacements for 2032-33 include a scoreboard and another Zamboni. GM Loconte added that included in the locker room upgrade would be furniture for the talent's dressing room. They are currently renting furniture from Rent-A-Center to furnish the dressing room. He added that enhancing the experience for the artists at the Arena helps solidify the relationship with the artist and the promoter to ensure that they return for future performances. Commissioner Tyler confirmed that this was true and customer service of the Arena staff has built a strong reputation in the entertainment industry.

County Manager Gailey explained the Trustees Budget will need to be approved. It includes operations for Management Incentive Fee of OVG 360 and Arena staff met benchmarks this year. The budget also includes insurance for the building and auto that equals up to \$261,000, three budgets total need to be accepted. Chair Gorden clarified that the budget would amount to a 3% increase, County Manager Gailey stated that there is no increase because it's operational costs from the enterprise fund, the budget is projected to be negative but could be positive.

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

COMMENTS FROM THE EXECUTIVE STAFF

Commissioner Caterina asked that comments be shared before going into Executive Session.

Sheriff Joyce shared that his staff worked with EMA Director Durkin for a tabletop exercise for a Jail Evacuation exercise. He stated that hiring continues. He recently met some new hires at the Jail and one was from Angola and spoke multiple languages. Sheriff Deputies are down and some positions with funding from a DA Grant and there is a new hire from North Carolina.

Finance Director Grover stated that the new payroll system piloting works well. Staff have been meeting weekly since October to implement the new system. The Jail Cooks unit will be the first group

to test with the new payroll system. Recently rolled out a new system for Probate to make it more transparent per the recommendation of the audit. There has been positive feedback about the new process from staff. She stated that she has been working with Sandy and the SEFA audit.

HR Director Amy Jennings shared that negotiations continue, there is a tentative agreement with the Teamsters Corrections Unit. She is getting a TA and has follow-up paperwork and redlining the documents so the Union can hold a vote. HR is in mediation and has a second meeting with a mediator next week with NECU corrections.

She stated that she will discuss the other two agreements with Commissioners in the executive session. There is a lot of effort going into hiring, they have lost some corrections officers due to transfers into other units. To date they have hired 30 correction officers since the beginning of the year, 12 are in the last stage of the hiring process. She estimated that if eight or nine come out that would be great. The trend is about 90% with 56 in the entire hiring process. Overall, the numbers look really good for corrections hiring. Working with law enforcement as they're down five.

Deputy County Manager Kimball gave an update on the Northport building, they have started shifting gears to figure out exactly how things are going to work and how staff will transition over as efficiently as possible. They are very close to the finish line and guess that the July Commissioner meeting will be held in the new building.

COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey stated that June 10th they would make the decision about where the June Commissioner Meeting would be held so that the public can be notified in a timely manner. He noted that the new meeting space is twice the size of the current meeting space.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Cloutier stated that he attended the Regional's for Special Olympics along with almost 1,000 other people at Bonnie Eagle athletic fields last week. Various events were qualifying for the state special Olympics which will be in a couple of weeks at the University of Maine Campus. The event is held over two days and includes athletic competitions, a parade, and a dance. He noted that the Special Olympics in this area have a structured day program or a school with athletes who want to be on a team. There is a lot more practice and training for the athletes which has changed substantially over the last couple of years compared to what it had been for decades. He closed by saying he was glad that Spring had arrived.

Commissioner Caterina agreed that she was glad that spring had arrived. She shared that she and Chair Gorden were in committee meetings together all day. She is on the legislative policy committee and feels like she was thrown into the fire right off the bat. She is the co-chair with Chair Gorden for the state commissioners. She is enjoying the work and has worked for the Maine Department of Labor in the past as Assistant Commissioner in charge of legislative affairs almost 40 years ago. She commented that things had not changed in the legislature, even with 8 million bills. It is a little disorganized and many things are done at the last minute. She shared that jail funding is a major concern and it's a really good thing. Her current committee as a legislative group, is a great group of commissioners and administrators and whomever represents the sheriff. The group meets once a week to review legislation and the group works closely with Maine Sheriffs Association and the Maine Municipal Association so that they are more unified. She shared that the jail funding has been the major impetus and as of this minute everything could change. It looks like they have \$20 million the base which came out before they go into a special session. The Governor's office has put forth \$4 million for MAT treatment and advised or suggested or put forward another \$4 million, it will need to go through appropriations.

There is a goal of 30% to 35% in future if the state mandates something, the state needs to pay for it. This will address the issue that the state continues to make rules, and there is no funding. Otherwise it will be passed along to property taxes. Some things are successful like more fees for the Registry of Deeds. She stated that it's been an interesting year and learning more about the county operations and they work with the state. She encouraged the Board to contact their legislative connections and let them know that the county needs jail funding.

Chair Gorden added that the budget for jails was around \$140 million for the state and needs additional funding which in theory falls back on top of the municipalities as the only other source of funds are property taxes. He echoed that the committee is working well together and aligned with the Sheriffs. And there is a lot more impact in the legislature on various issues.

Commissioner Tyler shared that he had the privilege of attending the housing report at the Town of Naples a couple weeks ago. He attended the event with County Manager Gailey and there were at least 35 members for the public that attended. He learned a lot from the event and there is some misinformation circulating about homelessness. He suggested a subcommittee as a potential solution.

Commissioner Smith wished everyone a Happy Memorial Day weekend.

Chair Gorden stated that of the request to meet with the Commissioners. He will follow up with the Board about their thoughts to address their concerns. Commissioner Cloutier thanked Sheriff Joyce for addressing the public. He stated that there could be potential for some collaboration regarding elements of concern.

EXECUTIVE SESSION

[25-054](#)

To Enter into Executive Session in accordance with Title 1 M.R.S.A. §405(6)(D) for the discussion of labor contracts between Cumberland County and the Cumberland County Communications Association as well as the Teamster Law Enforcement Union.

Time Into Executive Session: 8:10 p.m.

A motion was made by Commissioner Cloutier, seconded by Commissioner Caterina, that the Executive Session 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

Time Out of Executive Session: 8:37 p.m.

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

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

No: 0

Next Meeting: Monday, June 16, 2025

ADJOURNMENT

At 8:38 P.M., a motion was made by Tom Tyler, seconded by Stephen Gorden, to ADJOURN the MEETING. The motion carried by a unanimous vote.