



Cumberland County

Board of Commissioners

Meeting Minutes - Final

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.

Tuesday, February 17, 2026

5:30 PM

Sebago Meeting Room
27 Northport Dr
Portland, ME 04103

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

Meeting will be streamed online: www.cumberlandcountyme.gov/live

CALL TO ORDER

The Board of Commissioners met for their regularly scheduled meeting at 27 Northport Drive, Portland, in the Sebago Lake Conference Room, the meeting was called to Order by Chair Patti Smith at 5:31 pm.

ATTENDANCE

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

County Staff:

James Gailey, County Manager
Katharine Cahoon, Admin and Special Projects
Theresa Grover, Director of Finance
Amy Jennings, Director of Human Resources

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

[CD 26-004](#) Approval of the minutes, January 5, 2026, 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.

[CD 26-005](#) Approval of the minutes, January 20, 2026, 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

CD 26-006 Informational Report FY26 Budget vs Actual Expenses Q2

Finance Director Theresa Grover gave a summary of the expenses paid to date compared to the budgeted expenses in relation to the revenue.

This Report was RECEIVED AND FILED.

COMMENTS FROM THE PUBLIC

The Board Chair will limit comments on unrelated agenda items to three (3) minutes per speaker. The public comment period is limited to one (1) hour.

At 5:36 p.m. Chair Smith opened the public comment period. Public comment was received from the following individuals, Olivia Pennington, Portland; Heather Crohn, Portland; Reverend Alison Smith, Harpswell; Jennifer Boggs, Portland; Al Cleveland, Portland; Jeanie Barnard, Yarmouth; May Surananan, Portland; Reverend Chistine Dike, Gorham; Breana Bowman, South Portland; Todd Chretien, Portland; Marpheen Chan, Portland; Eric Nathanson, Scarborough; Pearl Kuggelor, Portland; Caitlin O'Connell, Portland; Thamini Baldecki, Portland; Josie Cole, Portland; Ella Tabaski, Brunswick; Kathy Mcpherson, Windham; Katie Mcpherson, Windham; Jessie Everett, Cumberland; Connor Carpenter, South Portland; Steve Carrol, Portland; Sue Anderson, Portland; Paige Grundhoff, Westbrook; Michael Sedgwick, Portland; Rachael Flarenger, Maine; Miles, Portland; Molly Placone, Portland; Portland City Councilor Wes Pelletier, Portland; Nori, Portland; Emily Parker, Portland; Claire, Portland. At 6:35 p.m. Chair Smith closed the public comment period.

CONSENT AGENDA

Commissioner Gorden requested that item 26-011 be moved from the Consent Agenda and discussed under New Business. There were no objections.

Approval of the Consent Agenda

A motion was made to approve the Consent Agenda. The motion carried by the following vote:

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

No: 0

26-010 Sheriff's Office Commissions December 12, 2025 through January 31, 2026

This Order was APPROVED.

26-012 Authorization of the County Manager to execute a purchase agreement with Metro for discounted transit passes for the Mobility, Access, and Transportation (MATI) project.

This Order was APPROVED.

26-013 Authorization to accept Maine Department of Drug Enforcement Agency (MDEA) US currency asset seizure disbursement check

This Order was APPROVED.

NEW BUSINESS26-011 Appoint the Chair as the Commissioners appointee for the review and sign-off of the County's weekly warrants for calendar year 2026. In the absence of the

Chair, the Vice Chair will execute the weekly warrants on their behalf.

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

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

No: 0

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

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

No: 0

[26-014](#)

Authorization for the County Manager to enter into a contract amendment between Cumberland County and Maine Public Employees Retirement System effective June 1, 2026 to change its plan offered to eligible Corrections Employees to Special Plan 3C for future service only as outlined and negotiated in the current NCEU and Teamsters Contracts.

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 Smith, Commissioner Caterina, Vice Chair Tyler, Commissioner Gorden, and Commissioner Cloutier

No: 0

[26-015](#)

Authorize the County Manager to sign the Pharmacy Services Agreement between Westwood Pharmacy and Cumberland County for services provided at the Jail.

County Manager Gailey explained that the contract with the pharmacy contractor was executed by himself and the Sheriff under the emergency clause to continue services and work with the new medical contractor. Chair Smith commented that with the emergency clause, treatment services at the jail were able to continue. She thanked staff for finding a replacement vendor and the seamless transition.

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

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

No: 0

[26-016](#)

Approve the Jail Medical Services Agreement between CFG Medical and Cumberland County for medical services provided at the Jail.

County Manager Gailey explained that the contract was not finalized and requested postponement. He explained that the contract language was still being revised and staff had received the revised contract at 2:30 p.m. that

afternoon. Staff have not completed the review of the contract and need more time to review the contract terms.

A motion was made by Vice Chair Tyler, seconded by Commissioner Cloutier, that the Order be TABLED to the Board of Commissioners, due back on 3/16/2026. The motion carried by the following vote:

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

No: 0

COMMENTS FROM THE EXECUTIVE STAFF

Finance Director Grover shared that staff completed 1099s, W2s, and 1095s for county employees. They are completing a workers comp audit. They received the GFOA audit that was done by the end of the year, and the federal audit was also just completed. The audit will be posted to the clearing house for the federal awards for grants and posted to the state auditor's website. Commissioner Smith asked about the workers comp audit, does the county receive a mod rating? Finance Director Grover deferred to Human Resources Director Amy Jennings. HR Director Jennings explained that the classifications of the mod rating has a look back period that takes into account the really high mod rate. She explained that she doesn't foresee a reduction of significant injuries and the high rate will continue. Chair Smith asked if it would continue for a couple years, HR Director Jennings explained that it probably would. Chair Smith thanked her for the clarification.

COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey shared that county staff continue to work with the bond advisor and bond council for the FY26 bond to go out to sale at the end of March, early April. A ratings call is scheduled for Thursday with Moody's and S&P. Staff are working on RFPs that include the jail roof and the fire alarm system at the jail. Those items will be awarded at the March meeting.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Gorden shared a legislative update. There is a proposed bill from the state that would absorb more revenue from the county Registry of Deeds. If passed, counties will receive a lesser amount from their registries. Currently, 10% of the transfer tax will be lowered to support structures and shelters for the homeless. The state does not understand that shifting the tax so that the counties are paying for it because it comes out of their 10% that automatically transfers it to the property tax. That's the only other source of income which is unfortunate. Of the 90% that the state receives, 20% of those funds go to the general fund and many of those funds are uncommitted. By taking funds from counties and not from uncommitted general funds, counties are suffering a loss of revenue from the state by a thousand cuts. He would like counties to collaborate on how to address the issue.

Commissioner Tyler shared that he and County Manager Gailey are attending the Gray Town meeting in a few weeks to share information about the county budget. He agreed with Commissioner Gorden, it's difficult to take another financial hit from the state. The hits keep coming. He noted that it is going to be an interesting budget process in the spring as he has heard that many towns are not having fun.

Commissioner Caterina thanked members of the public for sharing their comments. She asked some clarifying questions to County Manager Gailey, regarding delinquent payments from ICE. How many delinquent payments received from ICE, the county has received over \$800,000. How much do they owe the county, \$1.2 million is due. County Manager explained that they have not received two invoices from DHS scheduled for payment on February 11th. The county was not paid for January 1st through January 22nd, additional funds were requested to cover the full invoice which was close to \$202,000. Commissioner Smith asked how many US Marshal inmates are being held, as of Friday there were 42.

Commissioner Smith asked if those inmates were separate from the ICE, County Manager Gailey confirmed. Commissioner Smith asked County Manager Gailey to clarify the jail contract, is the US Marshal Service the primary holder of that contract and ICE is secondary? County Manager Gailey explained that the contract was renegotiated with the US Marshal services two or three years ago and as part of the US Marshal Service they have a provision within the contract that we've heard "uncheck the box" because it says ICE and the box is checked and the box for Federal Bureau of Prisoners is checked. Commissioner Caterina confirmed that the contract is all inclusive but with separate check boxes in the contract, County Manager Gailey confirmed that was correct. Commissioner Caterina asked if the county were to renegotiate a contract without ICE, who would negotiate the contract? County Manager Gailey explained that it would be the Commissioners directing him to renegotiate. He would reach out to the US Marshal contacts that negotiated the contract a few years ago.

Commissioner Caterina summarized that the US Marshals are under the Department of Justice and ICE is under DHS and was unsure about the FBI. She asked if the FBI is separate, County Manager Gailey explained they did not have many FBI inmates. Commissioner Caterina explained that she was seeking clarification on behalf of the audience so that they could understand the logistics of the contracts. She commented that while she supports canceling the contract, she would rather get rid of ICE and keep the US Marshals contract. She explained that the US Marshals contract is under the Department of Justice and correlates to the federal courthouse in Portland. She agreed with Commissioner Gordon's comment about the state and death by a thousand cuts. Many legislators do not not understand how the county works. The county jail is tied to funding and it is underfunded. The state pays the county a very small nightly fee like a motel which is strange. She explained that a new LD is before the legislature that would not require the county to accept any arrested persons by a law enforcement agency. She reiterated the current law requires county jails to accept any person arrested by any law enforcement agency. There is a hearing on jail funding because there was nothing in Governor Mill's supplemental budget. Commissioner Caterina theorized that if the county received enough state funding, they would not need a federal contract. She lamented the process of the legislature and encouraged the public to write to their local legislators to support jail funding. She commented on the passage of LD1971, allowing law enforcement to not work with ICE and noted that it does not go into effect until the middle of July. It's been signed into law by the governor as an emergency, and doesn't go into effect for 90 days after the legislature adjourns. She addressed the comment about the Customs and Border Patrol, and their operations in Brunswick on the coast. She explained that the whole state of Maine is legally covered by Customs and Border Patrol. Anything within a 100 miles of the border, which includes the coast. She explained that their office was on Gannett Drive in South Portland.

Commissioner Gordon added that even if the county ended the contract with ICE, the state requires the county to accept ICE inmates.

Commissioner Caterina continued and explained that there are a lot of different factors in the situation but wants a plan in place.

Commissioner Tyler asked County Manager Gailey how many ICE inmates are in the jail, County Manager Gailey stated zero.

Commissioner Cloutier commented that Commissioner Tyler brought up a good point. He shared that their consultant had told the county that ICE inmates housed at the county had access to Portland services. Staff began collecting data to monitor census information on inmates. The information collected showed that ICE was mostly using the County Jail for long term incarceration for male inmates of high to medium security. Commissioner Cloutier stated that it's a county jail. It's not a prison and highlighted some security concerns. He suggested that the Commissioners have an executive session to discuss eliminating ICE from the current US Marshals contract. He reiterated that

the existing contract is not with ICE and has always been with the US Marshal service. He noted that ICE has removed its inmates and perhaps the Board should address the implications of the new law going into effect in July. Given the unknown, it would make sense to have an executive session ahead of our meeting next month to discuss having ICE voluntarily removed from the contract. If not, he suggested that a decision should be made regarding the LD in July. He thanked the public for their comments. Commissioner Cloutier explained that he does not care about losing the money from canceling the contract. There is a budget every year which will be discussed by the board after tonight's regular meeting is adjourned. Commissioner Cloutier commented on the recently approved budget for ICE and Border Patrol. The Border Patrol has been more active and made 90% of the seizures in 2024 of around 1,000. In 2025 they seized 65% or 70% and ICE seized the remaining. The total approved budget for the two operations for this year and next year is \$170 billion total. Commissioner Cloutier commented that the goal of the national government is to export 10 million people which would be \$170,000 per person. He observed that given the resources allocated to the budget, they are in it for the long haul. Commissioner Cloutier explained that though the public would like to uncheck the box and get rid of ICE, it is not going away given their amount of funding. He observed that he does not support ICE and their tactics and it is the worst group he has seen in 30 years. He praised the County Sheriff's Department and the Portland Police Department for their operations noting that they are first class, fully competent and recognized as fully qualified public safety operations. ICE and the border patrol lack the same competencies and he agrees with the Sheriff that they are bush league. Commissioner Cloutier explained that the Sheriff is a law enforcement officer and follows the law. Commissioner Cloutier stated he was relieved that ICE pulled out of the jail and more strategy is needed to address the next few years. He recalled an interaction with a surgeon who was operating on a family member, who once said that, "what I can tell you medically is the worse the problem, the better the fix." That's where we are now and they have a terrible problem. Commissioner Cloutier recalled that his first volunteer effort was at 16, he hitchhiked from South Portland to get Ken Curtis reelected governor and he made it by 500 votes. Commissioner Cloutier explained that he and Commissioner Gorden will not be commissioners next year due to term limits. He reiterated that the problem with ICE is an ongoing problem and it's important to find ways to cope. He sympathized with the people of Minnesota and brutal events that took place. He stated that it's time to think about what else we can do and thanked everyone for their comments.

Chair Smith stated that this has been a complicated issue and thanked the public for attending the meeting, the last meeting and the previous meetings since August. She observed that there is a commitment to have a safe community and to really take a look at what's happening. Chair Smith noticed that it's beyond her on a moral standpoint that they are supporting whatever they are with ICE. She stated that ICE is out of the jail and it's a good thing. Chair Smith observed that she personally felt that having a contract with ICE says something about the commission. She stated that she does not want to be part of this. She would like to see our communities have a sense of safety and although I hear Commissioner Cloutier that there's billions and billions of dollars behind what's going on. While one or two million is a lot to the county, the point is to offer hope by saying no to help neighbors to neighbors and understand that they're not alone. Chair Smith stated that they have a responsibility to rebuild trust with our neighbors and as elected officials to trust people to represent you. While there are lots of different viewpoints out there, the majority of people who have contacted her have asked that she end the contract with ICE. She noted that the contract is not helping our communities feel safe and kids are not going to school. She has witnessed this firsthand in her hometown of South Portland, she sees the empty classrooms and it breaks her heart. She hopes that they can look into the matter and end the contract with ICE in the next meeting or the meeting after they can have an executive session to talk about it. She believes that they need to stand up and say no and rebuild the trust they have with our elected citizens who believe in them who say I voted for you for a reason and this is the reason why. She thanked the public for listening.

Next Meeting: Monday, March 16, 2026

ADJOURNMENT

At 7:20 p.m. a motion was made by Tom Tyler, seconded by James Cloutier, to ADJOURN the meeting. The motion carried by a unanimous vote.

The Board of Commissioners Workshop will immediately follow the meeting.