



# Cumberland County

## Board of Commissioners

### Meeting Minutes - Action Results

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.

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**Tuesday, March 19, 2024**

**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 James Cloutier at 5:33 pm.

#### **ATTENDANCE**

**Present:** 5 - Commissioner Neil Jamieson, Commissioner Susan Witonis, Commissioner Stephen Gorden, Commissioner Patricia Smith, and Chair James Cloutier

#### **PLEDGE OF ALLEGIANCE**

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

[CD 24-004](#) Approval of the minutes, February 12, 2024, meeting of the Board of Commissioners

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

[CD 24-005](#) Approval of the minutes, February 26, 2024, meeting of the Board of Commissioners

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

#### **INFORMATIONAL REPORT/PRESENTATIONS**

[CD 24-006](#) Regional Communications 2023 Newsletter, 3rd and 4th Quarter

*This Report was RECEIVED AND FILED.*

#### **COMMENTS FROM THE PUBLIC**

Chair Cloutier opened public comment, there were no comments from the public.

**CONSENT AGENDA****Approval of the Consent Agenda**

*A motion was made by Commissioner Jamieson, seconded by Commissioner Gorden, to approve the Consent Agenda. The motion carried by the following vote:*

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

**No:** 0

[24-014](#) Approval of Cumberland County Sheriff's Office Commissions August through December 2023

*This Order was APPROVED.*

[24-015](#) Authorization for the County Manager to enter into a contract amendment between Cumberland County and Maine Public Employees Retirement System and Provide MainePERS Special Plan 3C to the following non-union Law Enforcement Officers who regularly work more than 20 hours per week and who are not seasonal or temporary: Administrative Lieutenant and Administrative Sergeant, for service rendered after March 31, 2024. Service rendered by these officers before April 1, 2024 remains under the Regular Plan AC.

*This Order was APPROVED.*

[24-016](#) Authorization for the County Manager to sign an 18-month contract with the Town of Baldwin for Assessing services.

*This Order was APPROVED.*

[24-017](#) Authorization for the County Manager to submit a proposal to the State of Maine Department of Public Safety in response to the FY 2024 Substance Use Disorder Assistance Program Request for Applications.

*This Order was APPROVED.*

[24-018](#) Authorization for the County Manager to submit a proposal to the Office on Violence Against Women in response to a Request for Proposals for the Improving Criminal Justice Response Grant.

*This Order was APPROVED.*

[24-019](#) Authorization for the County Manager to Submit a Proposal to the University of Minnesota's Mobility, Access, and Transportation Insecurity program (MATI) Request for Proposals.

*This Order was APPROVED.*

[24-028](#) Motion for the Board of Commissioners to support the Registry of Deeds request to the Maine Revenue Services Department regarding the Maine Real Estate Transfer Tax software implementation.

*This Order was APPROVED.*

**ARPA BUSINESS**24-020

Amend the Landry French, Construction Manager contract dated August 14, 2023 for the Jail Medical Expansion.

County Manager Gailey explained that the item was for the approval of the GMP (Guaranteed Maximum Price) of \$7.7M using ARPA funding for the construction of the Jail Medical Wing. Facilities Director Bill Trufant spoke about the item and partners Landry French and that the project would take about a year to complete. He noted that the Sheriff and the Jail Major are very supportive of the item.

Commissioner Jamieson asked why the contract price was less than originally quoted of \$9M. Facilities Director Trufant explained that the retrofit of jail medical space does not include furniture and office equipment it is only the space but also includes air handling system modifications.

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

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

**No:** 0

24-021

Authorization for the Dissolution of the Cumberland County ARPA Advisory Committee

Chair Cloutier thanked the members of the ARPA Advisory Committee for their service.

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

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

**No:** 0

**NEW BUSINESS**24-022

Authorization for the County Manager to enter into a contract amendment between Cumberland County and Sentinel Offender Services, LLC for location based monitoring services on an as needed basis for an indefinite duration.

Project Manager Violence Intervention Project Jennifer Annis about coordinating ELMO that has been in place since 2015. The contract was renewed in 2022 however the current contract includes software and required some revisions. Sections modified included damages and attorney fees. Judges must sign on off on the participants enrolling in the monitoring program, Maine PreTrial screens participants and it is limited to 5 participants at the time. The tracking device is replaced by a Cellphone Application, annually the average cost of victim's

portion is \$3,200 while the offenders are required to pay for their portion of the monitoring. The tracking mechanism alerts police when offenders are violating the Judge's order and has been a life saving service in the past.

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

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

**No:** 0

24-023

Authorization for the County Manager to award the bid for Parking Garage Restoration and enter into a contract between Cumberland County and Krisha Construction for services in the amount of \$457,275.00.

Facilities Director Trufant completed a five year master plan for the parking garage. The restoration is part of year one, the time frame is anticipated to be May 1, 2024 depending on the weather and have it completed by Labor Day. Summer season pass holders will be limited. Krisha Construction is highly recommended by many other government agencies. The plan is to increase the longevity of the parking garage which is why the proposed costs vary significantly.

Commissioner Smith asked about what kind of revenue loss Facilities Director Trufant will expect during construction?

Facilities Director Trufant explained that pass holders had been alerted the previous year for planning purposes. He is hoping that the work will be done on the weekend and have less of an impact on daily pass holders. He deferred to Deputy Manager Alex Kimball about revenue loss amount. Deputy Manager Kimball stated that revenue loss depends on jury duty and the parking capacity available.

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

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

**No:** 0

24-024

Approval of the 2024/2025 General Fund, Jail and Cross Insurance Arena budgets.

Commissioner Witonis stated that she does not support the budget because of the vehicles purchased by the Sheriff's Office. It's unclear where the vehicles are being allocated and she has been concerned since 2019.

Commissioner Smith thanked the Cumberland County Finance Committee and County Employees who did a great job with their budget presentation and provided information when requested. Commissioner Smith suggested that a workshop be held to look at the purchase and use of Sheriff vehicles. She

supports the current budget and will be interested in that piece of information during the next budget season.

Chair Cloutier echoed Commissioner Witonis and Commissioner Smith's concerns about the operations of the Sheriff Department.

Commissioner Gorden commented on the request for a workshop and supported the idea and the opportunity to come up with more solutions.

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

**Yes:** 4 - Commissioner Jamieson, Commissioner Gorden, Commissioner Smith, and Chair Cloutier

**No:** 1 - Commissioner Witonis

[24-025](#)

Authorize the issuance of the 2024/2025 Budget Cost of Living Adjustment of 3% to the Elected Officials & Sheriff Appointment.

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

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

**No:** 0

[24-026](#)

Adjust the Probate Judge's salary in the amount of \$2,000.00 effective March 25, 2024.

County Manager requested that the date for the COLA start date be correct from 2023 to 2024.

*A motion was made by Commissioner Gorden, seconded by Commissioner Smith, that the Order be AMENDED to correct the date. The motion carried by the following vote:*

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

**No:** 0

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

**Yes:** 4 - Commissioner Jamieson, Commissioner Gorden, Commissioner Smith, and Chair Cloutier

**No:** 1 - Commissioner Witonis

24-029

Authorization for the County Manager to enter into an agreement with the Oxford County Jail for Cumberland County Jail to house ten (10) of their residents for a daily border rate of \$85 per day beginning March 2024 to April 2025.

Commissioner Smith commented that there are contract negotiations in place, however inmates were placed in the Jail prior to the contract being executed. She asked County Manager Gailey if he had some background information. County Manager Gailey suggested that the contract be amended to have a start date of March 2024 instead of the April 2024 given that there were Oxford County inmates already in the Cumberland County Jail. Chair Cloutier invited Chief Deputy Pellerin to speak. Chief Deputy Pellerin stated that it's common to have inmates from other counties and that the contract would solidify agreements. The number of Oxford County inmates is low and is manageable for staff.

*A motion was made by Commissioner Jamieson, seconded by Commissioner Gorden, that the Order be AMENDED to modify the contract length. The motion carried by the following vote:*

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

**No:** 0

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

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

**No:** 0

**COMMENTS FROM THE COUNTY MANAGER****COMMENTS FROM THE EXECUTIVE STAFF**

Deputy Manager Kimball stated that while ARPA projects were finalized, projects are under way and will be rapidly spent down through the Summer and into the Fall.

Director of Finance Theresa Grover stated that attempted fraud has increased and staff are being cautious.

Director of Human Resources Amy Jennings shared that 10 new candidates are attending the Correctional Officers academy this month. Background checks have been outsourced to a third party which should streamline hiring.

Chief Deputy shared that he was glad to be a part of the budget process. Progress has been made with the hiring and law enforcement staff is now at capacity.

**COMMENTS FROM THE COUNTY COMMISSIONERS**

Commissioner Smith shared that she wished everyone a happy spring.

Commissioner Jamieson congratulated the County Staff for putting together a strong budget. He

wished the public Happy Easter and Happy Passover.

Commissioner Gorden also congratulated the staff on the completion of the budget. He also echoed the concern of Commissioner Witonis and the cost of vehicles and the strategy moving forward. Regarding the border rate of \$85, the State should support the funding of jails as it is putting restrictions on jails.

Chair Cloutier thanked the ARPA Committee for guidance and for the work of the staff as well.

## EXECUTIVE SESSION

[24-027](#)

To enter into executive session Title 1 M.R.S.A. §405(6)(D) for the contract discussion regarding the Cross Insurance Arena.

*Time Into Executive Session: 6:20 PM*

*A motion was made by Commissioner Smith, seconded by Commissioner Gorden, that the Executive Session be APPROVED. The motion carried by the following vote:*

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

**No:** 0

*Time Out of Executive Session: 6:42 PM*

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

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

**No:** 0

## ADDED IN SESSION

[24-030](#)

Authorization for the County Manager to negotiate the terms and conditions for the next three years of Maine Mariners Hockey ticket fees with discretion as provided by the County Commissioners.(Added in Session)

*A motion was made by Commissioner Witonis, seconded by Commissioner Jamieson, that the New Business - Added in Session be APPROVED. The motion carried by the following vote:*

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

**No:** 0

**Next Meeting: April 8, 2024**

## ADJOURNMENT

*A motion was made at 6:45 PM by James Cloutier, seconded by Stephen Gorden, to ADJOURN the meeting . The motion carried by a unanimous vote.*

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