

*Maine*  
**Cumberland County**

**CUMBERLAND COUNTY COMMISSIONERS' MEETING**

**MINUTES**

**March 11, 2019**

**CALL TO ORDER – 5:30 pm**

**Commissioners in Attendance:**

James Cloutier, Chair  
Thomas Coward  
Stephen Gorden  
Neil D. Jamieson, Jr.  
Susan Witonis

**Staff in Attendance:**

James Gailey, County Manager  
Alex Kimball, Deputy Manager – Finance & Administration  
Kevin Joyce, Cumberland County Sheriff  
Travis Kennedy, Director of Public Affairs  
Timothy Kortes, Cumberland County Jail Administrator  
Barbara Owens, Executive Assistant/Deputy Clerk

The meeting was held at 5:30 PM at the Cumberland County Courthouse, Peter Feeney Room, 142 Federal Street, Portland, ME 04101

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES**

County Commission Chair James Cloutier asked for a motion for approval of the Regular Meeting Minutes for February 11, 2019. Commissioner Susan Witonis so moved, Commissioner Neil Jamieson, Jr., seconded the motion. All Commissioners voted unanimously in favor, 5-0.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public

**INFORMATIONAL REPORTS/PRESENTATIONS**

Cumberland County Sheriff Kevin Joyce took the opportunity to introduce Cumberland County's new Jail Administrator - Major Timothy Kortes. Sheriff Joyce shared his background was in military police and he served over 20+ years in the Department of Corrections in Walpole, Massachusetts and the last 5+ years as a Captain with the York County Sheriff's Office in Corrections. What was impressive was that Tim did a lot of research on Cumberland County's jail system before he came on board and comes with the American Correctional Association (ACA) certification as an Auditor and the Prison Rape Elimination Act

(PREA) certification as an Auditor as well. Tim brings with him a wealth of knowledge/experience and we are glad to have him on board.

## **CONSENT AGENDA APPROVALS**

- 19-011** Approval of the Sheriff's Office Commissions for March 2019
- 19-012** Award of Bid to Quirk Auto Group of Bangor, Maine for one (1) Cumberland County Sheriff's Office Public Safety Vehicle.
- 19-013** Acceptance of Asset Forfeiture – State of Maine vs. Jason Dailey
- 19-014** Acceptance of the Amended MOU for Inmate Services with York County

Commission Chair Cloutier asked for a motion to approve Consent Agenda Items 19-011, 19-012, 19-013 and 19-014. Commissioner Thomas Coward so moved passage of Items 19-011, 19-012, 19-013 and 19-014. Commission Chair Cloutier asked if any Commissioner would like any of these Items to be deferred. Commissioner Gorden requested Item 19-012 be referred for further discussion.

Commission Chair Cloutier asked that the pending motion approving Consent Agenda Items 19-011, 19-013 and 19-014 made by Commissioner Thomas Coward be approved, it was seconded by Commissioner Neil Jamieson, Jr. All Commissioners voted unanimously in favor, 5-0.

Commissioner Steve Gorden shared the reason he asked that Item 19-012 be pulled out of order and brought in for discussion was he had questions – who is the vehicle assigned to; what are the job requirements of the job of the person utilizing the vehicle and how is it utilized? Sheriff Joyce answered all his questions – Detective Brad Rogers of the Criminal Investigation Unit will utilize it and the vehicle currently being used was a passed down vehicle with 122,000+ miles on it.

Commission Chair Cloutier asked for a motion to approve Consent Agenda Item 19-012. Commissioner Stephen Gorden so moved, Commissioner Thomas Coward seconded the motion. All Commissioners voted unanimously in favor, 5-0,

## **ACTION ITEMS**

There are no Action Items this month.

## **NEW BUSINESS**

- 19-015** Extending Cellular Tower Lease – Between Cumberland County and NCWPCS MPL 28 – Year Sites Tower Holdings LLC for current tower lease at the CCRCC in Windham.

County Manager Jim Gailey presented the item talking about the history of the different lease terms and payments.

Commissioner Chair James Cloutier asked for a motion to approve the Extending Cellular Tower Lease between Cumberland County and NCWPCS MPL 28-Year Sites Tower Holdings LLC for current tower lease at the CCRCC in Windham. Commissioner Stephen Gorden so moved, Commissioner Neil Jamieson, Jr., seconded. All Commissioners voted unanimously in favor, 5-0

**19-016** Extending Cellular Tower Lease – Between Cumberland County and CCATT LLC for current antenna lease on tower in Casco (Quaker Ridge Road)

Commissioner Chair James Cloutier asked for a motion to approve the Extending Cellular Tower Lease between Cumberland County and CCATT LLC for current antenna lease on tower in Casco (Quaker Ridge Road). Commissioner Neil D. Jamieson, Jr., so moved, Commissioner Susan Witonis seconded. All Commissioners voted unanimously in favor, 5-0

**19-017** Extending Cellular Tower Lease – Between Cumberland County and CCATT LLC for current antenna lease on tower in New Gloucester (Gloucester Hill Road)

Commissioner Chair James Cloutier asked for a motion to approve the Extending Cellular Tower Lease between Cumberland County and CCATT LLC for current antenna lease on tower in New Gloucester (Gloucester Hill Road). Commissioner Susan Witonis, so moved, Commissioner Stephen Gorden seconded. All Commissioners voted unanimously in favor, 5-0

**19-018** Amending County Administrative Regulations & Policies

County Manager Jim Gailey discussed the adding of additional language under Section #5 Purchasing Policy with regard to VII Bids, Awards & Contracts and VIII Competitive Bid Process the words “and shall be awarded to the most responsive and responsible bidder”.

Commission Chair James Cloutier asked for a motion to approve adding the language “and shall be awarded to the most responsive and responsible bidder” to the Amended County Administrative Regulations & Policies. Commissioner Steven Gorden so moved, Commissioner Susan Witonis seconded. All Commissioners voted unanimously in favor, 5-0.

Commission Chair James Cloutier asked for a motion to approve amending the Cumberland County Administrative Regulations & Policies. Commissioner Thomas Coward so moved, Commissioner Neil D. Jamieson, Jr., seconded. All Commissioners voted unanimously in favor, 5-0

## **OLD BUSINESS**

There are no Old Business Items this month.

Commission Chair James Cloutier stated that because there were two items for Executive Session and no Old Business Items this month, he was in favor of moving the order of the meeting to take the Comments from the County Manager, Executive Staff and Commissioners before they consider entering into Executive Session. Commissioner Steve Gorden so moved that they move the order of the meeting to hear the comments from County Manager, Executive Staff and Commissioners, Commissioner Neil Jamieson, Jr., seconded. All Commissioners voted unanimously in favor, 5-0.

## **COMMENTS FROM THE COUNTY MANAGER**

County Manager Jim Gailey gave details of the upcoming Strategic Priorities Retreat scheduled for Monday, March 18, 2019 at the Cross Insurance Arena. After meeting with Deputy Manager – Finance & Administration, Alex Kimball; Director of Public Affairs, Travis Kennedy and the facilitator for this retreat it was felt that asking three questions of the Department Heads prior to the Retreat would bring the Department Heads right up front in the process from the start and give a greater opportunity for the Commissioners and Department Heads to strategize together and bring greater content. It's a very unique approach this year and he is open to any suggestions/other ideas.

Jim stated that the Cross Insurance Arena had a very busy past month with over 4,000 attendees for each of the two Maine Mariners' games this past weekend. He also shared that the CIA was host to the memorial service for Berwick Fire Capt. Joel Barnes held on Sunday, March 10, 2019 at the arena and was very well attended. Last, Jim shared that every Friday, Saturday and Sunday in March is booked at the Cross Insurance Arena with events which is great!

## **COMMENTS FROM THE COUNTY SHERIFF**

Cumberland County Sheriff Kevin Joyce shared that it's been busy at the Legislature. He has spent two to three days a week up there. There are a bunch of jail funding bills up there. The Maine Sheriff's Association will be hosting a jail tour on the 4<sup>th</sup> and 5<sup>th</sup> of April to look at Washington, Penobscot & Piscataquis counties – some of the smaller jails -- to see what they are doing. The hope is to get some of the Legislators Appropriations, Criminal Justice Committee Members and Governor's Office to go up and see the jails.

Sheriff Joyce mentioned last week in an email he met with the Muskie School with regard to writing a grant. They have the ability to write a grant through the Department of Justice and if you recall MCCA and MSA were going to have a study on cost drivers of the jail. At that time admittedly it was looking at budgets and seeing if there was a better way to do certain things. When the Muskie School came after us they said, "We'll write the grant, we'll manage the grant, we'll do the research," towards the end I thought maybe it's a good way to look at the criminal justice system. I reached out to Chief Justice Saufley and had a brief conversation with her to see if we could bookend it and if I could get her support, then I would roll it

out to the Muskie School to see what they would come up with for a proposal. My hope was it would be 16 counties, 15 jails and studying the systems in that. But admittedly, it's a big big thing to do, it would take two years and more money than they are going to get so we narrowed it down to a few jails – a large jail, a medium-sized jail and a small jail. To really look at the systems and see how things are bogging down and effecting the jails. So that is being written up. As soon as he gets a draft he will share with the commissioners and the Chief Justice and see if we can get some synergy behind that.

Lastly Sheriff Joyce wanted to thank the CIA, and shared that Captain Barnes was related to one of his staff so the quick turnaround and hospitality made a bad thing at least a good way to honor his life and his sacrifice. He personally, on behalf of the Sheriff's Office, wanted to say thanks for providing such a great location, it looked really really good understanding that there was a hockey game less than 12 hours beforehand.

### **COMMENTS FROM THE EXECUTIVE STAFF**

There were no other comments from Executive Staff this month.

### **COMMENTS FROM THE COUNTY COMMISSIONERS**

Commissioner Thomas Coward shared that the Maine County Commissioners' Association meeting will be taking place in two days so he did not have anything to report this month.

Commission Chair James Cloutier could not let the opportunity go by without pointing out that the CIA this weekend, March 16-17, 2019 is hosting the STRIVE ROCKS 2019 Dance-A-Thon.

#### **19-019**          Setting the 2019 Salary of the Cumberland County Sheriff

The Commissioners may enter Executive Session pursuant to 1 M.R.S.A §405 (6) (A) to discuss the setting of the Cumberland County Sheriff's salary. It is anticipated that a Motion will be made once the Commissioners come out of the Executive Session.

#### **19-020**          Executive Session

The County Commissioners will enter in Executive Session pursuant 1 M.R.S.A §405 (6) (A). A Motion may be made once the Commissioners come out of the Executive Session.

Commission Chair James Cloutier asked for a motion to enter into Executive Session pursuant to Title 1 M.R.S.A. § 405(6)(A) and Title 1 M.R.S.A. §405(6) to discuss two separate items under the same statute heading.. Commissioner Neil D. Jamieson, Jr., so moved, Commissioner Thomas Coward seconded at 6:20 pm. All Commissioners voted 5 to 0.

Commission Chair James Cloutier asked for a motion to come out of Executive Session pursuant to Title 1 M.R.S.A. §405 (6) (A) Commissioner Neil D. Jamieson, Jr., so moved, Commissioner Stephen Gorden seconded at 7:07 pm. All Commissioners voted 5 to 0.

Commission Chair James Cloutier asked for a motion on Item 19-019, to set the salary of the Cumberland County Sheriff, consistent with County Manager Gailey's recommendation, at \$109,387.00. Commissioner Neil D. Jamieson, Jr., so moved, Commissioner Thomas Coward seconded. Vote was 4 - 1, with Commissioner Witonis opposing.

There was no motion associated with Executive Session pertaining to Item 19-020.

## **ADJOURN**

Commission Chair James Cloutier asked for a motion to adjourn the meeting. Commissioner Stephen Gorden, moved to adjourn the meeting, Commissioner Susan Witonis seconded. All Commissioners voted 5-0. Meeting adjourned at 7:13 pm

**Next Commissioners' meeting: Monday, April 8, 2019 in the Peter J. Feeney Conference Room, Cumberland County Courthouse, 142 Federal Street, Portland, ME at 5:30 PM.**