

**CUMBERLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING MINUTES**



Tuesday, February 15, 2021

CALL TO ORDER 5:31p.m.

The Board of Commissioners for Cumberland County, Maine, held their regularly scheduled meeting via Zoom and streamed live on YouTube. The meeting was called to Order by Chair Susan Witonis.

PLEDGE OF ALLEGIANCE

ATTENDANCE

Present:

Commissioner Susan Witonis, Chair
Commissioner James Cloutier
Commissioner Stephen Gorden
Commissioner Thomas Coward
Commissioner Neil Jamieson

Absent:

County Staff:

Jim Gailey, County Manager
Alex Kimball, Deputy Manager of Finance and Administration
Travis Kennedy, Director of Public Affairs
Katharine Cahoon, Administrative & Projects Coordinator
Liz Blackwell-Moore, Public Health Director
Kevin Joyce, Sheriff

County Guests:

Collen Hilton, Chair of the Cumberland County Jail Board of Visitors
Michael LoConte, General Manager of Cross Insurance Arena

APPROVAL OF THE MINUTES

Chair Witonis requested a motion to approve the Special Meeting Minutes of January 24, 2022. A motion was made by Commissioner Jamieson and seconded by Commissioner Cloutier to approve the Meeting Minutes of January 24, 2022.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

INFORMATIONAL REPORT/PRESENTATIONS

Presentation of the Annual Jail Board of Visitors (JBOV) Report, presented by the Sheriff's Office and members of the JBOV.

Sheriff Kevin Joyce gave some background on the JBOV, it was started in 2011 and is chaired by 5 members: Colleen Hilton, Chair, Cushman Anthony, Humza Khan, Garrett Steward and Victor Dumais. Tours of the jail were completed by 4 of the 5 JBOV members and were done on separate visits, for health safety reasons given the positive cases of COVID. Typically, the format is the JBOV to submit their report to the Sheriff who submits it to the County Manager for review. He wanted to break from tradition and share it with the Commissioners, he introduced Colleen Hilton the current Chair of the JBOV.

JBOV Chair Hilton thanked the Sheriff and stated that when they toured the jail they had free and clear access of the jail. One of the biggest concern that she received was the challenge of the Court System date. The majority of the jail residents were pleased with the services despite the fact that many of the reports were cancelled for safety reasons, those can be found in the report. Residents were supplied with tablets and videos in lieu of activities. There was as shared feeling of frustration about being isolated, but the Chair mentioned that this was not exclusive to the residents and is being experienced by the entire world as a result of COVID.

JBOV Chair Hilton stated that the Sheriff is always responsive to their suggestions. She shared the board's concerns which included; updating the current Electronic Medical Record System, increasing partnerships with community resources to reduce recidivism, staffing is hampering operations and she recognizes that there is a staffing shortage everywhere, Maine Dept of Corrections has been recommended to their sentenced individuals to other premises. Increase access to medication assisted treatment for residents and review the Resident Grievance Policy and include and independent review. Chair Hilton stressed the return of the services once the pandemic is over and the staffing has increased. Overall, the JBOV is well run given the current challenges.

Commissioner Gorden asked if the Electronic Medical Record system compatible with other jail systems. Sheriff Joyce said that he wasn't sure and if everyone had the same technology, information could be easily shared with other operations. The incompatibility is frustrating. Commissioner Gorden added that the State is debating the Jail Funding Bill, regrading what records should be kept by the Prison, is curious if that would encompass medical records in the event that it passes.

Commissioner Coward thanked Colleen for her report and thanked the Sheriff for his receptiveness. Chair Hilton also added that the mental health services offered are invaluable to the community.

Chair Witonis requested a motion to accept the JBOV report, a motion was made by Commissioner Gorden and seconded by Commissioner Coward.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

COMMENTS FROM THE PUBLIC

There were no comments from the public.

CONSENT AGENDA

Chair Witonis requested a motion to approve the Consent Agenda, a motion was made by Commissioner Cloutier and seconded by Commissioner Jamieson.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

22-012 Authorize the County Manager to sign the communications contract between the Town of Harrison and the County for 2022-2025.

22-013 Appoint to the Cross Insurance Arena Board of Trustees John Jamieson, Trustee District #2 and Jonathan Crimmins, Trustee District #5 to each serve a three-year term

ARPA BUSINESS

22-014 Motion to award a bid in the amount of \$87,265.88 to Production Services of Maine, LLC for the purpose of a CIA Performance Side Curtain.

County Manager Gailey introduced this item, the purchase of the performance side curtain included the mechanical beams that lift the curtain. As previously discussed, the side curtain enables the Cross Insurance Arena to appeal to smaller vendors who do not need large space. Chair Witonis clarified that amount that was being requested based on the bids that were submitted in the agenda packet. County Manager Gailey agreed and amended the original agenda amount from \$87,265.88 to \$84,984.20.

Commissioner Cloutier made a motion and Commissioner Gorden seconded the motion to award the bid in the amount of \$84,984.20 to Production Services of Maine, LLC.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

22-015 **Approval of \$94,500.00 from ARPA in support of regional homelessness aid.**

County Manager Gailey introduced Public Health Director Liz Blackwell-Moore Single Adults: 509 single adults staying in the Oxford St shelter and in 4 overflow hotels, The last residence of 304 single adult intakes at Oxford St from Oct-Dec, 2021 included 29% from Portland, 20% from 15 other towns in Cumberland County, 27% from other towns in Maine outside of Cumberland County, 24% from other states.

In terms of families, there are 687, new families are arriving from the Southern border, most are seeking asylum from Angola and Democratic Republic of Congo and move across different hotels including Saco and Old Orchard. Different organizations are using hotels for different reasons. In all, there are about 1,300 families in emergency shelters. There have been a lot of meetings to strategize and identify needs of people using emergency shelters. A lot of services that are lacking are transportation, especially non-emergency transportation.

Transportation has been identified as a need to facilitate services, planning and meeting with partners to address services, how would it be provided and develop a cost effective plan. She stated that a portion of the money would be for bus passes as a short term fix and healthcare supplies as well as the management of donation. She stated that seed funding for healthcare items is vital to the families.

County Manager Gailey thanked Public Health Manager Blackwell-moore for her report and asked if the Commissioners had any questions. Commissioner Jamieson asked how long this supply fix would last? What would happen after funds ran out? Public Health Manager Blackwell-Moore stated that there isn't a system in place but there would be one in the future because FEMA does reimburse for items like bus passes but the staffing is lacking at the City of Portland. Door to door transportation is offered by some organizations but they're also running out of funds and have started relying 202 Taxi and is not a reliable system especially when they cannot accommodate families. The study would provide a plan to this problem with transportation. Basic supplies for families to addresses the current problem but agreed that if other families arrived it would not address the new needs. She strongly believes that seed funding and a donation management organizer would prompt more donations from the community and a more coordinated effort to provide services. Commissioner Gorden asked the Committee stated that he recalled that funds would be limited to generational projects and not operational costs. The responsibility should fall on the communities and the State and not on the County. Chair Witonis stated that she recently attended a GPCOG meeting and Mark Dione did a similar presentation that the City of Portland (COP) did the advocating for a regional coordinated approach, and the State would take a lead on this to address this issue and agrees with Commissioner Gorden that this is not the County's responsibility and the responsibility really falls on the State. Commissioner Cloutier stated that the County does have a responsibility to the public and the normal response to address homelessness has been exacerbated by the pandemic undercutting the plan to address the problem. The State has not been responding to the problem because other priorities have pushed it aside. What's in place is poorly coordinated effort to address the needs that are stacking up. He thanked Liz for trying to detangle

the current problem. He does agree with Commissioner Gorden and Witonis but can't look away from what he estimates is a crisis. He went on to say that the Portland area has a history of being a resettlement area and this is not a new challenge nor is it random. He supports this proposal because there isn't anyone who is going to do it except for the County.

Commissioner Coward asked Deputy Manager Kimball if the proposal qualified for this assistance under ARPA. Deputy Manager Kimball confirmed that the proposal exactly aligns with the uses and it is what it's for. Commissioner Coward stated that he supports the proposal because it's authorized under the source of funds and there is a continuing emergency in the community and it needs to be addressed so people can receive help. Commissioner Witonis stated that she learned that people arriving from the Southern Border have Portland as their destination address and feels that startup funding was something that they agreed they wouldn't do. She asked if Public Health Manager Blackwell-Moore could explain how the funding would be broken out. Public Health Manager Blackwell-Moore explained that \$10k would be part of the amended contract with ZM Solutions who is currently doing the CHIP, \$20k would be seed funding for an organization that is willing to coordinate and manage solicitations and distributions of supplies.

Commissioner Gorden asked the group that given the level of support for distributing donations, why not use County Funds instead of ARPA. Commissioner Cloutier responded that the appropriation of \$100k would set a precedent for funding operational projects and thinks that their decision aligns with the purpose of the funds which is to respond to an emergency. However, it should be explored further if the County wants to explore other sources of funding, the County does have access to the State's General Assistance Fund. Commissioner Coward pointed out that the County's goal is to build a public health department and this proposal aligns with goal. He said that if it was normal times he would agree with Commissioner Gorden but this is an emergency and that's why they (the County) has the ARPA funds. He added that preplanning is usually done when traveling and people who are coming from the Southern border did some preplanning. Chair Witonis asked what the plan was for occupants when Spring arrived, Public Health Manager Blackwell-Moore stated that she had not heard of anything. Commissioner Gorden stated that because of the lack of participation from the State and the municipalities, why should the County pick up the slack? Public Health Manager Blackwell-Moore said that she had not had discussions with municipalities beyond Portland and South Portland. She has not gone to the State because she is new to the advocacy part in her role. County Manager Gailey added that South Portland had agreed to funnel their ARPA funds to multiple agencies offering assistance. He was unsure what other communities are doing. However, the County EMA is currently reaching out to the State Legislatures, different government coalitions are advocating to receive support. Commissioner Cloutier added that to address Chair Witonis's question about what will happen in April, he believed that the crisis would decline with the warmer weather and people could be outside more.

Commissioner Coward made a motion and Commissioner Cloutier seconded the motion to approve \$94,500 from ARPA to support regional homelessness

aid.

A Roll call vote was taken and the motion passed in favor, 3-2.

Yes: Commissioners, Coward, Cloutier and Jamieson.

No: Commissioners, Gorden and Witonis.

22-016 Approval of the ZM Solutions Contract Amendment for the amount of \$10,000.

Commissioner Cloutier made a motion and Commissioner Jamieson seconded the motion to approve the ZM Solutions Contract Amendment for the amount of \$10,000.

A Roll call vote was taken and the motion passed in favor, 3-2.

Yes: Commissioners, Coward, Cloutier and Jamieson.

No: Commissioners, Gorden and Witonis.

NEW BUSINESS

22-017 Appointment of Michael LoConte as the General Manager of the Cross Insurance Arena.

County Manger Gailey introduced Michael LoConte who was selected from a national search for the new General Manager for the Cross Insurance Arena. Commissioner Gorden asked if this had been approved by the Cross Insurance Board of Trustees, County Manager Gailey stated that a handful of trustees were on the interview committee and selected Michael LoConte based on his current experience as the Director of Events for the Cross Insurance Arena. Michael thanked County Manager Gailey for the introduction and shared that he was enjoying his new position as General Manager of the Cross Insurance Arena.

Commissioner Jamieson made a motion and Commissioner Gorden seconded the motion to accept the appointment of Michael LoConte as the new General Manager for the Cross Insurance Arena.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

22-018 Approval of payment terms for towns during the County's transition of its budget year.

County Manager Gailey stated that the County's new fiscal year would be July 1, and the Towns have the option of repaying upwards of five years to pay-off the six month budget. Additionally, since the County has already budgeted the interest for the Tax Anticipation Note the five year proration is

interest free. Commissioner Jamieson asked Deputy Manager of Finance and Administration Kimball what the impact would be on the County's budget. Deputy Manager of Finance stated that for towns selecting the payment of 5 years looking at a 10% bump over what they would otherwise get from the County because it's 50% over 5 years, that's 10 years. He reiterated that the County was already budgeting for Interest on the TAN and would be double hitting them if they charged them for interest on top of the interest already budgeted. It is something that many of the Towns are considering. Commissioner Coward stated that he said that not charging interest is an incentive for the Cities to spread it out while other Cities are paying up front, how much will the County actually get out of this? Deputy Manager Kimball stated that the deciding factor for communities are the budgetary issues that they're encountering are. Commissioner Coward agreed that forgoing charging interest makes sense.

Commissioner Gorden asked if the County has to borrow money because some communities are not paying, they should be bear the cost, Deputy Manager Kimball shared that it would result in a disproportionate charge to other communities for an amount that would insignificant. Commissioner Cloutier stated that disproportionately charging interest would hurt communities and would take time to heal. Chair Witonis asked if the interest could be waived, Deputy Manager Kimball said that the interest could be waived until October 31, 2022 of each year.

Commissioner Jamieson made a motion and Commissioner Cloutier seconded the motion to approve of payment terms for towns during the County's transition of its budget year allowing the towns to pay back six months at a zero percent interest.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

Chair Witonis requested that Staff Comments be read before entering into Executive Session, Item 22-019 Executive Session was moved to the end of the agenda.

COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey said that the meeting on February 28, 2022 will not be a meeting as originally scheduled but will be an in person workshop for the review of the ARPA applications received. The non-union employee pay step table is being approved on Friday. He was pleased to announce that the Co-Occurring Collaborative Serving Maine National Innovator and Practice Award was awarded to Cumberland County's Violence Intervention Partnership led by Faye Luppi.

COMMENTS FROM THE EXECUTIVE STAFF

Deputy Manager Kimball stated that 1095c forms were mailed out last week.

Sheriff Joyce gave an update about cases of COVID at the Jail, 5 cases, limited to an all female pod. There was an inmate that was hospitalized due to other medical issues is returning to the jail. The recently constructed 24 Hour Crisis Stabilization Center operated by Spurwink is one, operating 7am to 7pm because of the shortage of medical staff. Regardless, he is positive about the facility because it is another mental health service resource for law enforcement.

Chief Naldo Gagnon gave unfortunate news that the Jail hired an out of state correctional officer who was unable to start work because they cannot find housing.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Gorden mentioned his work with the MCCA and the partnerships that they have with other organizations. It's been a constructive process and their needs are being advocated for by lobbyist in the legislature.

Commissioner Jamieson thanked the staff particularly the Sheriff for his handling of COVID jail outbreaks. He encouraged the public to continue to wearing masks and follow safety precautions.

Commissioner Coward applauded Commissioner Gorden for his hard work with MCCA and it can be a challenging organization to lead. He is pleased with Cumberland County's involvement with the organization, particularly MMA.

EXECUTIVE SESSION

22-019 EXECUTIVE SESSION

Enter into executive session pursuant to General Provisions, Title 1 M.R.S.A. §405(6)(D) for the opportunity to discuss negotiations.

Enter into executive session pursuant to General Provisions, Title 1 M.R.S.A. §405(6)(A) to discuss employment, assignments and appointments.

Commissioner Cloutier motioned and Commissioner Jamieson seconded the motion to go into executive session pursuant to Title 1 M.R.S.A. §405(6)(D) for the opportunity to discuss negotiation and §405(6)(A) to discuss employment, assignments and appointments.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

The Commissioners went into executive session at 7:22pm.

Commissioner Jamieson motioned and Commissioner Cloutier seconded the motion to come out of Executive Session.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis

The Commissioners came out of executive session at 7:55pm.

Commissioner Jamieson motioned and Commissioner Coward seconded the motion to authorize the County Manager to hire independent legal counsel to investigate the legal terms of office of the County Commissioners.

A Roll call vote was taken and the motion passed unanimously in favor, 4-0.

Yes: Commissioners, Coward, Gorden, Jamieson and Witonis.

No:

Abstain: Commissioner Cloutier

Commissioner Cloutier motioned and Commissioner Gorden seconded the motion to approve the Amended 3-year Lease and Subsidy Agreements between Portland Hockey, LLC and Cumberland County.

A Roll call vote was taken and the motion passed unanimously in favor, 5-0.

Yes: Commissioners, Coward, Cloutier, Gorden, Jamieson and Witonis.

Future Meetings:

Workshop on February 28, 2022 and Meeting on March 14, 2022.

ADJOURNMENT:

Commissioner Cloutier motioned and Commissioner Gorden seconded the motion to Adjourn at 7:58 pm.

A vote was taken and the motion passed unanimously in favor, 5-0.