Questions for the Berwick Select Board — Chief Towne Dual-Role Plan

The Maine Mirror editor@themainemirror.com Mon, Sep 21, 2026 at 5:52 PM
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To: "Matt Tarasevich" <mtarasevich@bernsteinshur.com>
Cc: <RIafolla@bernsteinshur.com>, <townmanager@berwickmaine.gov>

Mr. Tarasevich,

Thank you for your September 21 response.

I want to make the record as clear as possible and, where the Town has now provided an answer, accept that answer and move forward.

Regarding the nine questions I directed to the Berwick Select Board on September 4, you stated:
“The town of Berwick has asked that we respond on its behalf. Please be advised that the town is under no obligation or legal requirement to respond to your questions, demands or inquiries, and therefore declines to do so.”
I understand the position you have communicated.

Regardless of whether I agree with that decision, I recognize the distinction between questions public officials may voluntarily answer and obligations imposed upon them by law. I previously made that distinction myself and specifically stated that I was not claiming Maine's Freedom of Access Act requires the Select Board to create explanations or answer my nine questions.

I had asked the Town to clarify whether those questions were being overlooked, misunderstood, referred elsewhere, or intentionally left unanswered.
Your September 21 response resolves that ambiguity.

Unless the Town advises me that I have misunderstood your statement, I will accurately document its position as follows:
The Town of Berwick, through counsel and at the Town's direction, has declined to provide substantive responses to the nine questions I submitted to the Select Board concerning its May 2026 consideration and approval of Chief Timothy Towne's proposed dual-role arrangement.

I accept that as the answer I have been given, and I am moving forward accordingly.

That resolves the nine-question issue for purposes of this correspondence.
It does **not**, however, resolve the separate public-record inspection issue.

Your September 11 response on this Select Board email chain introduced the separate issue of the Berwick Police Department recording. You advised me that a disc was available at the police station, had been tested and was operational, and stated that neither Chief Towne nor another Town official would meet with me to “review or test” it because FOAA imposed no such obligation.

I responded by expressly clarifying that this was **not what I had requested**.
I am not asking Chief Towne or another employee to interpret the recording, discuss its contents with me, conduct an evidentiary review, “test” it for me, or personally sit through it with me.
I am asking to **inspect the public record itself**.

I therefore asked you directly:
“Is the Town of Berwick denying my request to inspect this public record at the Berwick Police Department during reasonable office hours?”
I explained that if inspection was not being denied, I was requesting a reasonable date and time for inspection. If it was being denied, I requested that the Town state the denial and its legal basis in writing.
I am still waiting for an answer to that question.

Why I Am Requesting Inspection
I also want to eliminate any remaining ambiguity about why I have continued seeking clarification rather than simply picking up another disc.
As I have previously explained, copies of this recording provided to me have not successfully allowed me to access the footage.
My purpose is straightforward:
I want to inspect the responsive footage and confirm that it is actually accessible before I leave with another copy.

That is not a request that a Town employee test the recording for me. I am asking to exercise my own right of inspection.

Under 1 M.R.S. § 408-A, Maine's Freedom of Access Act provides for inspection of public records during reasonable office hours. I understand that the Town may reasonably schedule an inspection and that I am not necessarily entitled to use a particular government computer or device.
I am not demanding either.
I am asking the Town to provide a reasonable means by which I can **inspect this identified recording and confirm that the responsive footage is accessible before leaving with the replacement copy.**
That distinction is precisely why telling me that another disc is available for pickup has not resolved my request.

I have already experienced the practical problem of receiving copies that I could not access. Simply leaving with another copy, without first being permitted to inspect the responsive footage, risks putting me back in exactly the same position.

September 16 Interaction With Police Administration
There has also been an additional development that makes clarification increasingly important.
On September 16, during a telephone conversation with the Police Department's administrative assistant concerning an unrelated inquiry, the recording issue was again raised.
She told me that the disc was available for pickup. She also informed me that, because Department computers could not be used for that purpose, she had taken the recording to the Berwick Public Library, played it on a library computer, watched it, and confirmed that it worked.

I explained that I was awaiting a response concerning my inspection request.
I also made clear that I did not wish to litigate or resolve that records disagreement with her personally.
That distinction matters.
The Town has elected to involve counsel in this matter. I directed the legal and procedural question to counsel and have been awaiting counsel's response.
I should not be placed in the position of debating an unresolved public-record access issue with a Police Department administrative employee while waiting for the Town's attorney to answer the specific question I directed to him.
Nor should the administrative assistant be placed in that position.
Her statement that she successfully accessed and viewed the recording at the Berwick Public Library also demonstrates that at least one practical method of viewing the recording has already been identified. I am not demanding that the Town use that particular method. I mention it because it further underscores why I am asking the Town to tell me plainly how it will accommodate inspection—or whether it is refusing

inspection.

The Outstanding Question
Accordingly, I am again asking the question as narrowly and directly as possible:
Will the Town of Berwick permit me to inspect this recording?

If **yes**, please provide a reasonable date, time, location, and practical means by which the responsive footage will be made available for inspection before I leave with the replacement copy.
If **no**, please state clearly in writing that the Town is denying inspection and provide the reason and legal authority upon which that denial is based.

For avoidance of doubt:
• I am not insisting upon access to a Police Department computer.
• I am not requiring Chief Towne to attend.
• I am not asking anyone to watch the recording with me.
• I am not asking anyone to interpret or explain it.
• I am not asking anyone to test it for me.
• I am not asking the Town to create a new record.
• I am not attempting to convert my nine Select Board questions into FOAA requests.
I am asking to inspect an identified, existing public record that the Town acknowledges possessing and represents has been tested and is operational, so that I can confirm for myself that the responsive footage is accessible before leaving with another copy.

A statement that I may pick up another copy does not answer the separate question of whether the Town will permit inspection.

Likewise, a statement that Town personnel are not required to "review or test" the recording with me does not answer that question because I have repeatedly clarified that I am requesting neither.
There should no longer be any ambiguity about what I am asking.

Tomorrow's Unrelated Visit

For additional clarity, transportation permitting, I anticipate visiting the Berwick Police Department tomorrow regarding an **unrelated matter**.
I will not be asking the administrative assistant about this recording, attempting to pick it up, or seeking to resolve my outstanding inspection request with her during that visit.

This matter is presently the subject of written correspondence with Town counsel, and I am awaiting your response to the specific inspection question stated above.
I have previously explained to the administrative assistant that I am awaiting that response and do not wish to litigate this records issue with her personally.
Accordingly, I respectfully ask that tomorrow's unrelated visit remain separate from this matter and that I not be placed in the position of discussing or attempting to resolve the recording issue with her at the counter.

If the Town wishes to communicate anything concerning the recording or my inspection request while this matter remains pending with counsel, please do so through this correspondence.

My decision not to address the recording during tomorrow's unrelated visit should not be interpreted as abandonment, withdrawal, waiver, or satisfaction of my outstanding inspection request.
To the contrary, I have continued seeking clarification precisely because previous copies did not allow me to access the footage and I want to confirm that the responsive footage is accessible **before** I leave with another copy.

The increasingly adversarial nature of interactions surrounding otherwise routine inquiries has also made appearing at the Department personally difficult for me. I am nevertheless continuing to communicate in writing, preserve the record, and attempt to resolve these matters through the available procedures.

A straightforward written answer would avoid further misunderstanding.

One Final Clarification Regarding the Nine Questions

Finally, your September 21 email states that:
"The town of Berwick has asked that we respond on its behalf."
Because my nine questions were directed specifically to the elected Select Board, I request one factual clarification so that I can accurately document what your statement represents:
Who authorized or instructed your office to communicate that the Town declines to answer those nine questions?

I am not requesting privileged legal advice, attorney-client communications, or the substance of any legal consultation.
I am asking only whose decision or authorization your statement communicated.
If your September 21 statement reflects a decision of the Select Board itself, please identify it as such.
If it reflects the decision or authorization of another municipal official or body empowered to speak on behalf of the Town, please identify that official or body.

Where the Record Now Stands
I am deliberately narrowing this correspondence rather than expanding it.

The nine Select Board questions: I accept the answer I have now been given. The Town declines to answer them.

The recording: My inspection request remains unresolved. I am requesting inspection so that I can confirm that the responsive footage is accessible before leaving with another copy.

Your September 21 statement: I am asking whose decision or authorization your office was communicating when you stated that the Town had asked you to respond on its behalf.
These are separate matters. Please keep them separate in your response.

With respect to the recording, at this point I am asking for one of two answers:
Yes — and the reasonable arrangements for inspection.
or
No — and the written denial and legal basis supporting it.

After more than a year of attempting to obtain and access this recording, I do not believe further ambiguity benefits anyone.

Thank you,
Ryan Michaels
Editor-in-Chief
The Maine Mirror