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

9 messages

The Maine Mirror editor@themainemirror.com <editor@themainemirror.com> Fri, Sep 4, 2026 at 4:46 PM
To: "mlaterreura@berwickmaine.gov" <mlaterreura@berwickmaine.gov>,
"cmorgan@berwickmaine.gov" <cmorgan@berwickmaine.gov>,
"lcorliss@berwickmaine.gov" <lcorliss@berwickmaine.gov>,
"jbrooks@berwickmaine.gov" <jbrooks@berwickmaine.gov>,
"lchase@berwickmaine.gov" <lchase@berwickmaine.gov>,
"townclerk@berwickmaine.gov" <townclerk@berwickmaine.gov>

Chair Laterreur and Members of the Berwick Select Board,

I'm reaching out on behalf of The Maine Mirror with several follow-up questions regarding the Board's May 2026 approval of Chief Timothy Towne's proposal to remain Berwick Police Chief if elected to the Maine House of Representatives.

Recently obtained public records provide additional context surrounding the development of that proposal, and I'd like to give the Board an opportunity to clarify several points for the record.

On April 15, Town Manager Arthur Capello wrote to Chief Towne:

> "I will say, from the limited things I have heard, they feel you would be great, but they worry about you doing it while you are the police chief, given the time you would be out of town."

That establishes that concerns about Towne's time away from Berwick had been communicated to the Town Manager before the proposal reached the Board.

With that in mind:

1. **What specifically resolved the concern regarding the amount of time Chief Towne would be away from Berwick?** His subsequent proposal describes how command would be delegated during his absence, but what determination did the Board make regarding whether the amount of time away itself was acceptable?
2. At the May 5 meeting, the Board indicated it wanted additional time to consider Towne's proposal. On May 19, the Board unanimously approved it. **What questions remained after May 5, what information was received during those two weeks, and what specifically changed or was resolved before the unanimous vote?**
3. Towne's proposal contemplated legislative responsibilities on Tuesdays and Thursdays and stated that he would remain physically present in Berwick on Mondays, Wednesdays and Fridays. **How did the Board determine that this schedule was compatible with the responsibilities of Berwick's full-time Police Chief?**
4. Towne's written proposal stated that he was "open to discussing" a prorated salary or leave-without-pay arrangement for legislative time. **What compensation arrangement did the Board ultimately approve?** Would Towne receive his full police-chief salary while attending legislative sessions or committee proceedings in Augusta, and how would municipal versus legislative time be documented?
5. **What exactly did the May 19 vote approve?** Was Towne's written proposal adopted as submitted, were additional conditions established, or does another written agreement govern the arrangement? If additional terms or understandings resolved the Board's concerns, where are those documented?

6. **Did the Town or Board obtain a legal opinion** addressing whether simultaneously serving as Berwick Police Chief and a member of the Maine Legislature is legally compatible? If so, would the Town make that opinion available?
7. An April 15 memorandum from Chief Towne states that Rep. Thomas Lavigne reported having a "recent social encounter" with two Select Board members, during which Towne's candidacy and the possibility of remaining Police Chief were discussed. **Who were those two Board members, what was discussed, and did either communicate to Lavigne that the Board might support the arrangement if Towne presented a formal plan?**
8. Were those conversations with Lavigne subsequently discussed with other Board members before the Board considered or approved Towne's proposal?
9. Finally, if the concerns expressed before May 5—including the amount of time Towne would be away from Berwick—were ultimately resolved before the May 19 unanimous vote, **what records document how those concerns were resolved?**

I'm not presuming that the arrangement is unlawful or that any member acted improperly. I'm trying to understand the documented progression from expressed concern, to Towne's proposal, to ultimately unanimous approval on May 19.

I would appreciate the Board's responses so they can be accurately reflected in The Maine Mirror's continuing coverage.

Thank you,

Ryan Michaels
Editor-in-Chief

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editor@themainemirror.com
Submit tips: tips@themainemirror.com

Matt Tarasevich <mtarasevich@bernsteinshur.com> Fri, Sep 11, 2026 at 2:29 PM
To: "editor@themainemirror.com" <editor@themainemirror.com>
Cc: <chief@berwickmainepolice.gov>, <townmanager@berwickmaine.gov>, <mtarasevich@bernsteinshur.com>, <RIafolla@bernsteinshur.com>

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Best,

Matt Tarasevich

Town Attorney

Matt Tarasevich
Shareholder Attorney
Please cc my assistant on all emails: riafolla@bernsteinshur.com
207-228-7158 direct
207 774-1200 main
207 774-1127 fax
My Bio | LinkedIn

BERNSTEINSHUR
100 Middle Street PO Box 9729 Portland, ME 04104-5029 | Manchester, NH | Augusta, ME | Concord, NH | bernsteinshur.com

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Dear Mr. Tarasevich,

Thank you for your response. I need to clarify several points because I believe your email characterizes both my communication with Chief Towne and my request concerning this public record differently from what the written correspondence actually shows.

First, my emails to Timothy Towne's District 149 campaign address were not mistakenly sent to an incorrect address. I intentionally contacted him there.

My August 31 email expressly explained why. I wrote that I was contacting him because he is seeking election to the Maine House of Representatives and that, rather than asking him a hypothetical question about what he would do if someone approached him with a documented government-accountability concern, I was presenting him with an actual situation and asking what, if anything, he was willing to do.

Chief Towne then chose to engage with that inquiry through his campaign email address. On September 4, he responded from that address, discussed the public record, offered his explanation for why the previous copies had not worked for me, stated that he had personally been able to view them, and advised me that another copy had been prepared.

I responded respectfully and with a very limited request:

“I'd like to arrange a time next week when I can come to the station and view the recording there to confirm that it works properly before leaving with the copy.”

I then asked whether Tuesday would work and explained that Tuesdays are currently the easiest day for me to coordinate transportation.

I received no response to that request. On September 8, I followed up. Even then, I specifically acknowledged that my previous email had been sent immediately before the Labor Day weekend and stated that I did not want to make assumptions about Chief Towne's availability. I simply asked whether that Tuesday worked or whether he could provide another time.

After still receiving no response, I followed up again on September 11. I again asked for a specific date and time and summarized my objective plainly: “My goal remains very simple: to view the recording, verify that the newly prepared copy works, and obtain the record.”

Against that documented history, I am having difficulty understanding the necessity or proportionality of the response I have now received.

Maine's Freedom of Access Act expressly provides that, except as otherwise provided by statute, a person has the right to inspect and copy a public record within a reasonable time. More specifically, 1 M.R.S. § 408-A(1) states: **“A person may inspect any public record during reasonable office hours.”** The same subsection generally prohibits charging a fee merely for inspection unless conversion or compilation is required. Section 408-A(5) expressly contemplates that an agency may *schedule* an inspection at a time that will not delay or inconvenience its regular activities.

The Maine Attorney General's FOAA guidance similarly explains that a person may inspect a public record at the agency during reasonable office hours and that agencies generally cannot charge someone merely to inspect records.

I therefore want to distinguish my actual request from the characterization in your email. I have not demanded that Chief Towne interpret the recording for me, answer questions about its contents, conduct an evidentiary review with me, or personally sit through the entire recording. I understand that FOAA does not impose those obligations.

I asked to arrange a time to **view the requested public record at the station and verify that the newly prepared copy is actually accessible before I leave with it.**

That request also did not arise in a vacuum. Chief Towne himself acknowledged that there had already been problems with the previous copies and told me that a newly prepared copy should resolve those problems. Given that history, asking to confirm that the replacement works before leaving the station strikes me as an exceptionally modest and practical request.

This is also why I find the manner in which this has unfolded troubling.

Chief Towne engaged with me directly. I responded respectfully. I asked for a short, practical accommodation intended to prevent another failed attempt to obtain an accessible copy. Rather than simply responding “Tuesday works,” proposing another time, or explaining that someone else at the station could facilitate the inspection, my September 4 and September 8 scheduling emails went unanswered. The next substantive response I received concerning that request came from the Town's attorney, informing me that neither Chief Towne nor another Town official would meet with me to review or test the disc because FOAA does not require them to do so.

Respectfully, that answers a demand I did not make while leaving unanswered the request I actually did make.

There is also an irony in being admonished for contacting Chief Towne at the “incorrect” address when the record shows that I deliberately contacted him through his campaign address regarding his candidacy, expressly identified that purpose in writing, and Chief Towne himself chose to engage with that inquiry from the same campaign address.

I will certainly use Chief Towne's Town-issued email when I am communicating with him solely in his capacity as Berwick Police Chief. But I will also continue to direct legitimate candidate-related questions to the contact information provided for his campaign. Those are two different capacities, and my August 31 email expressly distinguished them.

Finally, because your response specifically invokes what the Town is and is not legally required to do under FOAA, I would appreciate a direct answer to the underlying issue:

Is the Town of Berwick denying my request to inspect this public record at the Berwick Police Department during reasonable office hours?

If not, please provide a reasonable date and time at which I may inspect the recording pursuant to 1 M.R.S. § 408-A. I am not requesting that Chief Towne personally attend the inspection. I am simply requesting access to inspect the record and a practical means of confirming that the replacement media is functional before I leave with it.

If the Town is denying inspection, please state that clearly in writing along with the legal basis for that denial.

Thank you,

Ryan Michaels
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Town Attorney

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Chair Laterreur, Members of the Select Board, Mr. Capello, and Mr. Tarasevich,

After reviewing today's correspondence again, I realized there is an important distinction that I need to add to the record.

Nothing in this email withdraws, replaces, or modifies my earlier response today. That response stands in full.

Mr. Tarasevich's 2:29 p.m. response was sent on the email chain originating with my September 4 inquiry to the Berwick Select Board titled, “Questions for the Berwick Select Board — Chief Towne Dual-Role Plan.”

That matters because my September 4 email was directed to the Select Board and Town Clerk and contained nine questions concerning the Board's May 2026 consideration and unanimous approval of Chief Timothy Towne's proposal to remain Berwick Police Chief if elected to the Maine House of Representatives.

That email was not my correspondence with Timothy Towne's campaign.

Yet Mr. Tarasevich's response did not substantively address the nine questions contained in my September 4 email. Instead, it addressed my separate correspondence with Mr. Towne through his campaign email

address and the subject matter discussed within that candidate correspondence.

I want to correct something from my earlier response as well, because after going back through these records carefully, I believe the cleanest and most accurate way to describe what has occurred is that there are two separate matters here.

1. My September 4 inquiry to the Berwick Select Board

On September 4, I sent the Select Board nine questions concerning its consideration and approval of Chief Towne's proposed dual-role arrangement.

Those questions concerned, among other things, what resolved the concerns about the amount of time Chief Towne would be away from Berwick; what changed between the Board's May 5 discussion and its unanimous May 19 vote; how the contemplated legislative schedule was determined to be compatible with the responsibilities of a full-time Police Chief; what compensation arrangement was ultimately approved; exactly what the May 19 vote authorized; whether a legal opinion was obtained; what occurred during the reported conversation between Rep. Thomas Lavigne and two Select Board members; whether those conversations were subsequently discussed among Board members; and what records document how the Board's previously expressed concerns were ultimately resolved.

Those nine questions remain outstanding.

I understand the distinction between asking public officials questions and requesting existing public records under FOAA. I am not suggesting that FOAA independently requires the Board to create explanations or records that do not exist.

I am, however, asking the Select Board to respond to the questions I directed to it concerning its own decision.

If the Board intends to answer those questions, please provide its responses.

If the Board declines to answer some or all of them, please state that clearly. That will at least establish an accurate record rather than leaving me uncertain whether the questions were overlooked, referred elsewhere, misunderstood, or intentionally left unanswered.

2. My separate correspondence with Timothy Towne as a candidate for the Maine House

The second matter is my separate correspondence with Timothy Towne through his District 149 campaign email address.

I did not accidentally contact Mr. Towne at that address.

I deliberately contacted him there because he is campaigning to become a member of the Maine House of Representatives.

As I explained expressly in that correspondence, rather than asking Mr. Towne a hypothetical question about what he would do if a constituent or member of the public approached him with a documented government-accountability concern, I presented him with an actual situation and asked what, if anything, he was willing to do.

The actual situation I presented involved my longstanding difficulty obtaining a functioning copy of a Berwick Police Department recording. That recording was therefore the subject matter of the candidate inquiry. It does not transform my deliberate correspondence with a candidate through his campaign address into an accidentally misdirected communication with the Police Chief.

Mr. Towne chose to engage with that inquiry through his campaign account. He responded from that account, discussed the circumstances surrounding the recording, explained why he believed the previous copies had not worked for me, stated that he had personally been able to view them, and advised me that another copy had been prepared.

I subsequently made several good-faith attempts to continue that conversation and arrange a time to confirm that the replacement was accessible before leaving with it.

It was only after those attempts went unanswered that Town counsel became involved.

That sequence raises a separate public-accountability concern for me that I believe deserves clarification.

Mr. Tarasevich has stated that he is writing on behalf of the Town of Berwick and Chief Towne. At the same time, his response addressed correspondence that I deliberately initiated with Timothy Towne through his campaign contact information and expressly framed around his candidacy for the Maine House.

I therefore have questions about the capacity in which Town counsel became involved.

Specifically, I want to understand who requested or authorized counsel's involvement in that candidate correspondence, the capacity in which counsel was representing Mr. Towne when addressing it, what legal services were performed in connection with those communications, how those services were characterized for billing purposes, and whether those services were billed to or paid by the Town of Berwick, Timothy Towne individually, his campaign, or another entity.

I am not alleging the answer to those questions in advance.

I do, however, find the circumstances concerning enough that I intend to seek the records necessary to establish the answer.

If taxpayer-funded municipal legal resources are being used in connection with communications that I deliberately directed to an individual in his capacity as a candidate for the Maine Legislature, I believe the public has a legitimate interest in understanding where representation of the municipality ends and involvement concerning the candidate begins.

I will submit that records request separately rather than adding another records matter to this email chain.

There is another reason I am taking the time to make these distinctions so explicit.

Only eight days ago, on September 3, I raised this same fundamental organizational concern after a separate records matter was incorporated into the Town's response to another FOAA request and the response was sent to my personal Gmail account rather than the Maine Mirror account from which the request originated.

I explained at that time that I was trying to maintain a clear and accurate record of each individual request, the Town's response to it, what had been produced, and what remained outstanding. I specifically explained that combining unrelated requests and correspondence made that unnecessarily difficult.

Mr. Tarasevich acknowledged those concerns. He apologized for sending the response to the wrong email account, explained why the separate information had been incorporated, and stated that going forward the Town would comply with my request.

Eight days later, I am again having to separate two matters that were combined.

I am not going to speculate about why that happened.

I am simply asking that it stop happening.

To eliminate any further confusion, **there are two matters before us.**

First: My September 4 inquiry to the Berwick Select Board contained nine questions concerning the Board's consideration and approval of Chief Towne's proposed dual-role arrangement. None of those questions appears to have been answered. I continue to request the Board's responses, or a clear statement identifying any questions the Board declines to answer.

Second: I deliberately contacted Timothy Towne through his campaign address in his capacity as a candidate for the Maine House. Mr. Towne chose to engage with that inquiry through his campaign account. Because Town counsel subsequently became involved in correspondence arising from that candidate inquiry, I will separately seek records sufficient to determine who requested or authorized counsel's involvement, the capacity in which counsel was acting, and who was billed for and paid for that legal work.

I do not need another explanation of everything the Town believes it is not required to do.

I need clarity about what the Town is actually doing, and I need responses to be directed to the matter in which they were actually requested.

Nine questions were directed to the Select Board. They remain outstanding.

A separate inquiry was deliberately directed to Timothy Towne as a candidate for the Maine House.

Those are the two matters.

Please respond to the nine outstanding Select Board questions, and please do not combine these two matters again.

Thank you,

Ryan Michaels
Editor-in-Chief
The Maine Mirror

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Matt Tarasevich <mtarasevich@bernsteinshur.com> Mon, Sep 21, 2026 at 9:34 AM
To: "The Maine Mirror editor@themainemirror.com" <editor@themainemirror.com>
Cc: <mtarasevich@bernsteinshur.com>, <RIafolla@bernsteinshur.com>, <townmanager@berwickmaine.gov>

Dear Editor,

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.

Best,

Matt Tarasevich

Town Attorney

Matt Tarasevich
BERNSTEINSHUR - Shareholder Attorney
Please cc my assistant on all emails: riafolla@bernsteinshur.com
207-228-7158 direct
My Bio | Portland, ME

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From: The Maine Mirror editor@themainemirror.com <editor@themainemirror.com>
Sent: Friday, 11 September 2026 16:59:27
To: Matt Tarasevich <mtarasevich@bernsteinshur.com>
Cc: Timothy Towne <chief@berwickmainepolice.gov>; Arthur Capello - Berwick Town Manager <townmanager@berwickmaine.gov>; Rae Iafolla <RIafolla@bernsteinshur.com>
Subject: Re: FW: Questions for the Berwick Select Board — Chief Towne Dual-Role Plan

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I did not accidentally contact Mr. Towne at that address.

I deliberately contacted him there because he is campaigning to become a member of the Maine House of Representatives.

As I explained expressly in that correspondence, rather than asking Mr. Towne a hypothetical question about what he would do if a constituent or member of the public approached him with a documented government-accountability concern, I presented him with an actual situation and asked what, if anything, he was willing to do.

The actual situation I presented involved my longstanding difficulty obtaining a functioning copy of a Berwick Police Department recording. That recording was therefore the subject matter of the candidate inquiry. It does not transform my deliberate correspondence with a candidate through his campaign address into an accidentally misdirected communication with the Police Chief.

Mr. Towne chose to engage with that inquiry through his campaign account. He responded from that account, discussed the circumstances surrounding the recording, explained why he believed the previous copies had not worked for me, stated that he had personally been able to view them, and advised me that another copy had been prepared.

I subsequently made several good-faith attempts to continue that conversation and arrange a time to confirm that the replacement was accessible before leaving with it.

It was only after those attempts went unanswered that Town counsel became involved.

That sequence raises a separate public-accountability concern for me that I believe deserves clarification.

Mr. Tarasevich has stated that he is writing on behalf of the Town of Berwick and Chief Towne. At the same time, his response addressed correspondence that I deliberately initiated with Timothy Towne through his campaign contact information and expressly framed around his candidacy for the Maine House.

I therefore have questions about the capacity in which Town counsel became involved.

Specifically, I want to understand who requested or authorized counsel's involvement in that candidate correspondence, the capacity in which counsel was representing Mr. Towne when addressing it, what legal services were performed in connection with those communications, how those services were characterized for billing purposes, and whether those services were billed to or paid by the Town of Berwick, Timothy Towne individually, his campaign, or another entity.

I am not alleging the answer to those questions in advance.

I do, however, find the circumstances concerning enough that I intend to seek the records necessary to establish the answer.

If taxpayer-funded municipal legal resources are being used in connection with communications that I deliberately directed to an individual in his capacity as a candidate for the Maine Legislature, I believe the public has a legitimate interest in understanding where representation of the municipality ends and involvement concerning the candidate begins.

I will submit that records request separately rather than adding another records matter to this email chain.

There is another reason I am taking the time to make these distinctions so explicit.

Only eight days ago, on September 3, I raised this same fundamental organizational concern after a separate records matter was incorporated into the Town's response to another FOAA request and the response was sent to my personal Gmail account rather than the Maine Mirror account from which the request originated.

I explained at that time that I was trying to maintain a clear and accurate record of each individual request, the Town's response to it, what had been produced, and what remained outstanding. I specifically explained that combining unrelated requests and correspondence made that unnecessarily difficult.

Mr. Tarasevich acknowledged those concerns. He apologized for sending the response to the wrong email account, explained why the separate information had been incorporated, and stated that going forward the Town would comply with my request.

Eight days later, I am again having to separate two matters that were combined.

I am not going to speculate about why that happened.

I am simply asking that it stop happening.

To eliminate any further confusion, **there are two matters before us.**

First: My September 4 inquiry to the Berwick Select Board contained nine questions concerning the Board's consideration and approval of Chief Towne's proposed dual-role arrangement. None of those questions appears to have been answered. I continue to request the Board's responses, or a clear statement identifying any questions the Board declines to answer.

Second: I deliberately contacted Timothy Towne through his campaign address in his capacity as a candidate for the Maine House. Mr. Towne chose to engage with that inquiry through his campaign account. Because Town counsel subsequently became involved in correspondence arising from that candidate inquiry, I will separately seek records sufficient to determine who requested or authorized counsel's involvement, the capacity in which counsel was acting, and who was billed for and paid for that legal work.

I do not need another explanation of everything the Town believes it is not required to do.

I need clarity about what the Town is actually doing, and I need responses to be directed to the matter in which they were actually requested.

Nine questions were directed to the Select Board. They remain outstanding.

A separate inquiry was deliberately directed to Timothy Towne as a candidate for the Maine House.

Those are the two matters.

Please respond to the nine outstanding Select Board questions, and please do not combine these two matters again.

Thank you,

Ryan Michaels
Editor-in-Chief
The Maine Mirror

On Sep 11 2026, at 3:13 pm, The Maine Mirror editor@themainemirror.com <editor@themainemirror.com> wrote:

> Dear Mr. Tarasevich,
>
> Thank you for your response. I need to clarify several points because I believe your email characterizes both my communication with Chief Towne and my request concerning this public record differently from what the written correspondence actually shows.

First, my emails to Timothy Towne's District 149 campaign address were not mistakenly sent to an incorrect address. I intentionally contacted him there.

My August 31 email expressly explained why. I wrote that I was contacting him because he is seeking election to the Maine House of Representatives and that, rather than asking him a hypothetical question about what he would do if someone approached him with a documented government-accountability concern, I was presenting him with an actual situation and asking what, if anything, he was willing to do.

Chief Towne then chose to engage with that inquiry through his campaign email address. On September 4, he responded from that address, discussed the public record, offered his explanation for why the previous copies had not worked for me, stated that he had personally been able to view them, and advised me that another copy had been prepared.

I responded respectfully and with a very limited request:

"I'd like to arrange a time next week when I can come to the station and view the recording there to confirm that it works properly before leaving with the copy."

I then asked whether Tuesday would work and explained that Tuesdays are currently the easiest day for me to coordinate transportation.

I received no response to that request. On September 8, I followed up. Even then, I specifically acknowledged that my previous email had been sent immediately before the Labor Day weekend and stated that I did not want to make assumptions about Chief Towne's availability. I simply asked whether that Tuesday worked or whether he could provide another time.

After still receiving no response, I followed up again on September 11. I again asked for a specific date and time and summarized my objective plainly: "My goal remains very simple: to view the recording, verify that the newly prepared copy works, and obtain the record."

Against that documented history, I am having difficulty understanding the necessity or proportionality of the response I have now received.

Maine's Freedom of Access Act expressly provides that, except as otherwise provided by statute, a person has the right to inspect and copy a public record within a reasonable time. More specifically, 1 M.R.S. § 408-A(1) states: **"A person may inspect any public record during reasonable office hours."** The same subsection generally prohibits charging a fee merely for inspection unless conversion or compilation is required. Section 408-A(5) expressly contemplates that an agency may *schedule* an inspection at a time that will not delay or inconvenience its regular activities.

The Maine Attorney General's FOAA guidance similarly explains that a person may inspect a public record at the agency during reasonable office hours and that agencies generally cannot charge someone merely to inspect records.

I therefore want to distinguish my actual request from the characterization in your email. I have not demanded that Chief Towne interpret the recording for me, answer questions about its contents, conduct an evidentiary review with me, or personally sit through the entire recording. I understand that FOAA does not impose those obligations.

I asked to arrange a time to **view the requested public record at the station and verify that the newly prepared copy is actually accessible before I leave with it.**

That request also did not arise in a vacuum. Chief Towne himself acknowledged that there had already been problems with the previous copies and told me that a newly prepared copy should resolve those problems. Given that history, asking to confirm that the replacement works before leaving the station strikes me as an exceptionally modest and practical request.

This is also why I find the manner in which this has unfolded troubling.

Chief Towne engaged with me directly. I responded respectfully. I asked for a short, practical accommodation intended to prevent another failed attempt to obtain an accessible copy. Rather than simply responding "Tuesday works," proposing another time, or explaining that someone else at the station could facilitate the inspection, my September 4 and September 8 scheduling emails went unanswered. The next substantive response I received concerning that request came from the Town's attorney, informing me that neither Chief Towne nor another Town official would meet with me to review or test the disc because FOAA does not require them to do so.

Respectfully, that answers a demand I did not make while leaving unanswered the request I actually did make.

There is also an irony in being admonished for contacting Chief Towne at the "incorrect" address when the record shows that I deliberately contacted him through his campaign address regarding his candidacy, expressly identified that purpose in writing, and Chief Towne himself chose to engage with that inquiry from the same campaign address.

I will certainly use Chief Towne's Town-issued email when I am communicating with him solely in his capacity as Berwick Police Chief. But I will also continue to direct legitimate candidate-related questions to the contact information provided for his campaign. Those are two different capacities, and my August 31 email expressly distinguished them.

Finally, because your response specifically invokes what the Town is and is not legally required to do under FOAA, I would appreciate a direct answer to the underlying issue:

Is the Town of Berwick denying my request to inspect this public record at the Berwick Police Department during reasonable office hours?

If not, please provide a reasonable date and time at which I may inspect the recording pursuant to 1 M.R.S. § 408-A. I am not requesting that Chief Towne personally attend the inspection. I am simply requesting access to inspect the record and a practical means of confirming that the replacement media is functional before I leave with it.

If the Town is denying inspection, please state that clearly in writing along with the legal basis for that denial.

Thank you,

Ryan Michaels
Editor-in-Chief
The Maine Mirror

The Maine Mirror
Amplifying Voices. Exposing Truth.

editor@themainemirror.com
Submit tips: tips@themainemirror.com

On Sep 11 2026, at 2:29 pm, Matt Tarasevich <mtarasevich@bernsteinshur.com> wrote:

Dear Editor Michaels,

I wrote on behalf of the town of Berwick and Chief Towne. Please note that Chief Town's correct town email address is chief@berwickmainepolice.gov. Your prior emails were sent to his personal address. In the future, please address communications to the town and town officials to their appropriate town-issued email address. I know you will understand the reason for and purpose of this request, since you recently objected to having an email sent to an incorrect address.

As you were previously informed, the disc with the information you requested is at the police station, has been tested and is operational, and is still there waiting for you to pick it up. The secretary will be there M-F 8:30 - 4:30. Neither Chief Town not any other town official will be meeting with you to review or test the disc, as they have no obligation or duty under the FOAA act to do so.

Best,

Matt Tarasevich

Town Attorney

Matt Tarasevich
Shareholder Attorney
Please cc my assistant on all emails: riafolla@bernsteinshur.com
207-228-7158 direct
207 774-1200 main
207 774-1127 fax
My Bio | LinkedIn

BERNSTEINSHUR
100 Middle Street PO Box 9729 Portland, ME 04104-5029 | Manchester, NH | Augusta, ME | Concord, NH | bernsteinshur.com

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

The Maine Mirror editor@themainemirror.com Mon, Sep 21, 2026 at 5:52 PM
<editor@themainemirror.com>
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

Matt Tarasevich <mtarasevich@bernsteinshur.com> Mon, Sep 21, 2026 at 6:02 PM
To: "The Maine Mirror editor@themainemirror.com"
<editor@themainemirror.com>

I am currently out of the country with extremely limited access to email and phone. **If you need immediate assistance, please forward your request to my assistant, Rae, at riafolla@bernsteinshur.com.** She will connect you with someone who can help.
Otherwise, I will be back on October 8th and will be happy to help you then.

The Maine Mirror editor@themainemirror.com Tue, Sep 22, 2026 at 5:59 PM
<editor@themainemirror.com>
To: "Matt Tarasevich" <mtarasevich@bernsteinshur.com>
Cc: <RIafolla@bernsteinshur.com>, <townmanager@berwickmaine.gov>,
<mlaterreura@berwickmaine.gov>, <townclerk@berwickmaine.gov>

Mr. Tarasevich and all,

I am writing to provide a factual update following my visit to the Berwick Police Department today, September 22.

As I stated in my email yesterday, today's visit concerned an unrelated matter. I did not go to the Department intending to pick up the recording or resolve my outstanding inspection request with Police Department administrative staff.

During my conversation with the responding officer, however, the administrative assistant brought the disc into the interaction and provided it to the officer to give to me.

After I explained the history of my inspection request—including that I was not demanding access to a Police Department computer and simply wanted an opportunity to confirm for myself that the responsive footage was accessible—the officer offered to accompany me to the Berwick Public Library.

I followed him there. At the library, I was able to access the disc and confirm that it contained playable video. I therefore consider the practical issue I raised in my prior correspondence—my ability to inspect and confirm access to the copy before accepting it—**resolved as of today**. I sincerely appreciate the officer's willingness to assist me in accomplishing that.

There were, however, two developments that I need to document.

First, during today's interaction, the officer stated on multiple occasions that he had been directed not to view the recording. I have preserved my recording of today's interaction. I am not presently drawing any conclusion concerning who issued that instruction or why. I am documenting the statement because subsequent events have made it potentially relevant.

Second, after returning home, I conducted a detailed comparison between the recording provided to me today and my own contemporaneous recording of the September 12, 2025 encounter.

That comparison revealed apparent discrepancies.

Specifically, portions of dialogue captured by my contemporaneous recording during the encounter appear to be absent from the recording provided to me by the Town, while surrounding portions of the same interaction are present.

I want to be precise about what I am—and am not—saying at this stage. I am **not presently alleging why those discrepancies exist, who caused them, or whether they resulted from intentional editing, redaction, export, technical processing, or some other circumstance.** I am documenting what I have discovered and seeking to establish the underlying facts.

Accordingly, please answer one factual question:

Does the Town represent that the recording provided to me today is a complete reproduction of the responsive September 12, 2025 surveillance recording as originally maintained by the Berwick Police Department, with no responsive audio or video removed, redacted, muted, clipped, withheld, or otherwise excluded?

If the answer is no, please identify whether any portion was withheld or excluded and the legal basis for doing so.

Given this discovery, I will separately transmit a preservation notice concerning the original/native recording and associated records, followed by a narrowly tailored Freedom of Access Act request for existing records concerning the recording's preservation, processing, export, production, and related matters.

I am intentionally keeping those requests separate from this correspondence so that this thread remains an accurate chronological record of the inspection issue already under discussion.

Thank you,

Ryan Michaels
Editor-in-Chief
The Maine Mirror

On Sep 21 2026, at 5:52 pm, The Maine Mirror editor@themainemirror.com <editor@themainemirror.com> wrote:

> 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

Titan Mail Delivery <notifications@titan.email> Tue, Sep 22, 2026 at 5:59 PM
To: "editor" <editor@themainemirror.com>

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TITAN

Email could not be sent to [mlaterreura@berwickmaine.gov]

We were not able to send this mail to [mlaterreura@berwickmaine.gov] as the recipient(s') email address seems to be invalid. Please check if there are any typos in the email id before trying to send it again.
In case you need any clarifications or assistance, feel free to reach out to our support team.

Best Regards,
Team Titan