

(RePAQ,  
Rehoboth Public Access Corp. Inc

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May 9, 2011

Randall Hicks  
56 Brook Street  
Rehoboth, MA 02769

Dear Mr. Hicks:

In response to your e-mail, dated May 4, 2011, concerning your objection that Rehoboth Public Access Corporation ("RePAC") recorded and transmitted the May 2, 2011, Board of Selectmen ("B OS") public meeting in its entirety, including the portion of the public meeting when the BOS deliberated in executive session where the public was excluded, please be informed that RePAC complied with the directives set forth in G.L.c. 39, §23A-23C (Open Meeting Law), and G.L.c. 30A, §21 (Municipal Executive Session Mandate). RePAC recorded and transmitted said entire public meeting in accordance with the public notice which provided that said public meeting convened at or about 6:00 p.m. on May 2, 2011, and adjourned after the second executive session. G.L.c. 39, §23A-23C, contains no provision that would authorize any party to omit, delete, or censor the recording and transmission of any portion of the public meeting to which the public has access even though a part of the deliberation of such a public meeting occurs in executive session. In this regard, RePAC is guided by the prevailing law in the Commonwealth as contemplated in *McCrea v. Flaherty*, 71 Mass.App.Ct. 637 (2008); *Allen v. Board of Selectmen of Belmont*, 58 Mass.App.Ct. 715 (2003); *Pearson v. Board of Selectmen of Longineadow*, 49 Mass.App.Ct. 119 (2000); *District Attorney For The Plymouth District v. Board of Selectmen of Middleborough*, 395 Mass. 629 (1985); *Attorney General v. School Committee of Northampton*, 375 Mass. 127 (1978); *Ghiglone v. School Committee of Southbridge*, 376 Mass. 70 (1978), and its progeny.

Thanking you for your comment, I remain as always

Sincerely yours,

Roger Breault, Chairperson

cc.: Board of Selectmen, delivered in-hand