



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Frank DePaola, General Manager
Brian Shortsleeve, Chief Administrator



Fiscal and Management Control Board Executive Session

November 2, 2015

MassDOT Boardroom, 3rd Floor

Ten Park Plaza

Boston, MA 02116

The Board convened in Executive Session at 2:10 p.m. after a roll call vote to discuss pending litigation and real estate negotiations.

On roll call vote:

Chair Aiello: yes

Director Poftak: yes

Director Lang: yes

Director Tibbits-Nutt: yes

VOTED: to go into Executive Session.

Also present were Secretary Stephanie Pollack, Brian Shortsleeve, Frank DePaola, John Englander, Marie Breen, Mark Boyle, Lauren Conrad, Christine Ciampa, and Owen Kane

The first item presented by John Englander was a presentation on MBTA's advertising guidelines. The MBTA's advertising guidelines are currently at issue in a case the United States Supreme Court is considering for review. Although the MBTA won in the lower courts, they need to consider whether the guidelines should be changed. The issue in this case is MBTA's guideline that prohibits

advertisements that are “demeaning or disparaging.” The guideline defines prohibited categories as follows; Material that demeans or disparages an individual or group of individuals. MBTA will determine whether the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity and stature of, an individual or group of individuals. Mr. Englander discussed the group American Freedom Defense Initiative (AFDI) that filed the suit. He went through the history of the case up until now. He noted that whatever the outcome they should still look at the current guidelines for advertising to see if it needs to be updated. There was no action needed at this time.

Next William Tuttle gave a presentation on Parcel 13/Hynes Convention Center project. The Board discussed the project and agreed that they don’t want to hold up the project but they would like review the MBTA’s strategic approach to real estate holdings in order to explore approaches that will generate ongoing revenue. The Chair agreed and noted when they go back into open session the Board will request a session to talk about Real Estate at the MBTA.

On motion duly made and seconded, it was;

On roll call vote:

Chair Aiello:	yes
Director Poftak:	yes
Director Lang:	yes

Director Tibbits-Nutt: yes

VOTED: to Adjourn at 2:35pm

Documents relied on:

Powerpoint on Advertising

Powerpoint on Parcel 13/Hynes