

**PORT AUTHORITY TRANS-HUDSON CORPORATION**

**MINUTES**

**Thursday, April 27, 2000**

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**MINUTES of the Annual Meeting of the Port Authority Trans-Hudson Corporation held Thursday, April 27, 2000, at One World Trade Center, City, County and State of New York.**

**PRESENT:**

**NEW JERSEY**

Hon. Lewis M. Eisenberg, Chairman  
Hon. Kathleen A. Donovan  
Hon. William J. Martini  
Hon. Alan G. Philiposian  
Hon. Anthony J. Sartor  
Hon. James Weinstein

Robert E. Boyle, President  
Ernesto L. Butcher, Vice-President  
Jeffrey S. Green, Counsel

Kayla M. Bergeron  
Daniel D. Bergstein  
Bruce D. Bohlen  
Lillian C. Borrone  
Carolyn A. Bowers  
John D. Brill  
Gregory G. Burnham  
William J. Cahill  
William DeCota  
Michael P. DePallo  
Karen E. Eastman  
Nancy J. Ertag-Brand  
Edward Jackson  
Howard G. Kadin  
Louis J. LaCapra  
Francis J. Lombardi  
Stephen Marinko  
Charles F. McClafferty  
Allen M. Morrison  
Joanne A. Paternoster  
Catherine F. Pavelec  
Kenneth P. Philmus  
Alan L. Reiss  
Ronald H. Shifan  
Gerald B. Stoughton  
Joseph A. Tobia  
Angela F. Wood  
Peter Yerkes  
Margaret R. Zoch

Guest

Carolyn Laney

**NEW YORK**

Hon. Charles A. Gargano, Vice-Chairman  
Hon. Michael J. Chasanoff  
Hon. Peter S. Kalikow  
Hon. Bradford J. Race, Jr.  
Hon. Anastasia M. Song

The public meeting was called to order by Chairman Eisenberg at 3:10 p.m. and ended at 3:20 p.m. The Board met in executive session prior to the public meeting.

**Action on Minutes**

The Vice-President submitted for approval Minutes of action taken at the Board's meeting of February 24, 2000. He reported that copies of these Minutes were sent to all of the Directors and to the Governors of New York and New Jersey. He reported further that the time for action by the Governors of New York and New Jersey has expired.

Whereupon, the Board of Directors unanimously approved the Minutes.

**Report of Committee on Construction**

The Committee on Construction reported, for information, and the report was received and is included with these minutes.

**Report of Nominating Committee**

During the course of the meeting, the Nominating Committee submitted its report, and the report was received and is included with these minutes.

## **ELECTION OF OFFICERS**

Chairman Eisenberg announced that in accordance with the provisions of the By-Laws, the election of officers was in order.

Director Donovan, as Chair of the Nominating Committee, submitted the following report:

"On behalf of the Nominating Committee, I desire to report that at its meeting held earlier today, in accordance with the provisions of Article XIa. of the By-Laws, the Committee, by unanimous action, submits the nominations for election to the offices of Chairman and Vice-Chairman of Port Authority Trans-Hudson Corporation of Directors Lewis M. Eisenberg and Charles A. Gargano, respectively. By unanimous action, the Committee also submits the nomination of Robert E. Boyle as President and Ernesto L. Butcher as Vice-President and General Manager."

Pursuant to the foregoing report, Directors Chasanoff, Donovan, Eisenberg, Gargano, Kalikow, Martini, Philibosian, Race, Sartor, Song and Weinstein voting in favor, the following were unanimously elected as officers of the Corporation: Director Lewis M. Eisenberg as Chairman, Director Charles A. Gargano as Vice-Chairman, Robert E. Boyle as President and Ernesto L. Butcher as Vice-President and General Manager.

**SETTLEMENT OF CLAIM – EUGENE LAGUARDIA v. PORT AUTHORITY TRANS-HUDSON CORPORATION**

It was recommended that Counsel be authorized to settle the pending claim entitled Eugene LaGuardia v. Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorneys the sum of \$463,008.13, paying a Railroad Retirement Board lien of \$11,991.87 and waiving a wage lien due from plaintiff in the total amount of \$80,684.80, in return for a General Release and Stipulation of Discontinuance with Prejudice, and waiver of attorneys fees, costs and disbursements. The total settlement is \$555,684,80.

Plaintiff, Eugene LaGuardia, was a Car Inspector Foreman employed by Port Authority Trans-Hudson Corporation (PATH) on January 22, 1998 when he struck his head on a pipe suspended from the ceiling of the lower level of Track 6 West at the Harrison Car Maintenance Facility. As a result, he sustained, among other injuries, a herniated disc at the C-7 level requiring multiple surgeries, including disc fusion, a bone graft and insertion of a titanium plate. Plaintiff continues to experience pain and discomfort. He is restricted in the performance of numerous daily activities. He has been determined by the Office of PATH Medical Services to be permanently unfit to return to his duties as a Car Inspector Foreman and has been approved by the Railroad Retirement Board for disability retirement.

Pursuant to the foregoing report, the following resolution was adopted with Directors Chasanoff, Donovan, Eisenberg, Gargano, Kalikow, Martini, Philibosian, Race, Sartor, Song and Weinstein voting in favor, none against:

**RESOLVED**, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation (PATH), to settle the pending civil action entitled Eugene LaGuardia v. Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorneys the sum of \$463,008.13, paying a Railroad Retirement Board lien of \$11,991.87 and waiving a lien for sick payments made by PATH to plaintiff in the amount of \$80,684.80, in return for a General Release, Stipulation of Discontinuance with prejudice and a waiver of attorneys fees, costs and disbursements.

**Final Contracts Payments**

The Comptroller's Department reported, for information only, that the contracts set forth hereafter have been completed satisfactorily by the contractors. Final payments have been made in the period January 1, 2000 to February 29, 2000.

<b>CONTRACT NUMBER</b>	<b>CONTRACT TITLE FACILITY AND CONTRACTOR</b>	<b>TOTAL AUTHORIZED</b>	<b>TOTAL PAYMENTS</b>
PAT506	REPAIRS TO EXPANSION JOINTS/LEA AND RESULTANT STRUCTURAL DAMAGE	125,605 (A) 5,445 (B) 33,000 (C)	125,605 (A) 4,257 (B) 20,428 (C)
	JOURNAL SQUARE TRANSPORTATION CENTER	11,000 (D) 30,000 (E)	11,000 (D) 9,960 (E)
	EVANBOW CONSTRUCTION CO., INC.	205,050	171,250

- (A) Lump Sum
- (B) Classified Work
- (C) Net Cost - amount in the "Total Authorized" column represents the estimated net cost amount. However, the amount in the "Total Payments" column is the authorized net cost amount.
- (D) Extra Work
- (E) Increase in extra work in the amount of \$30,000 authorized on 6/10/96.

Final payments made in the period of February 1, 2000 to February 29, 2000.

<b>CONTRACT NUMBER</b>	<b>CONTRACT TITLE FACILITY AND CONTRACTOR</b>	<b>TOTAL AUTHORIZED</b>	<b>TOTAL PAYMENTS</b>
PAT548	TUNNEL & STATIONS CHEMICAL GROUTING VIA WORK ORDER PATH GEOGROUT INC.	150,000.00 (A)  150,000.00	70,311.00 (A)  70,311.00

(A) Net Cost - amount in the "Total Authorized" column represents the estimated net cost amount. However, the amount in the "Total Payments" column is the authorized net cost amount.

Whereupon, the meeting was adjourned.

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Vice-President