

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

MINUTES

Wednesday, April 25, 2007

Report of World Trade Center Redevelopment Subcommittee	80
Report of Committee on Operations	80
Report of Committee on Construction	80
Executive Director's Report	80
Staff Reports	80
Expansion of Foreign-Trade Zone No. 49 through the Establishment of a Subzone to Include In Mocean Group, LLC in North Brunswick, New Jersey	81
World Trade Center Site – Freedom Tower Project – Authorization to Award Construction Trade Contract	82
Downtown Restoration Program – Authorization to Accept an Assignment of a Trade Contract for Structural Steel for the World Trade Center (WTC) Memorial, Memorial Museum and WTC Infrastructure Projects, Including Authorization of Associated Payments into an Escrow Account	84
Port Authority Bus Terminal Development – Program Authorization	86
Settlement of Claim – ATA Airlines, Inc.	89

MINUTES of the Meeting of The Port Authority of New York and New Jersey held Wednesday, April 25, 2007 at 225 Park Avenue South, City, County and State of New York

PRESENT:

NEW JERSEY

Hon. Anthony R. Coscia, Chairman
 Hon. Angelo J. Genova
 Hon. David S. Steiner

NEW YORK

Hon. Charles A. Gargano, Vice-Chairman
 Hon. Bruce A. Blakeman
 Hon. Michael J. Chasanoff
 Hon. David S. Mack

Anthony E. Shorris, Executive Director
 Darrell B. Buchbinder, General Counsel
 Karen E. Eastman, Secretary

Linda K. Bentz, Acting Director, Planning
 Terry A. Benczik, Client Manager, Government & Community Affairs
 A. Paul Blanco, Chief Financial Officer
 John D. Brill, Director, Audit
 Ernesto L. Butcher, Deputy Executive Director, Operations
 Steven J. Coleman, Public Information Officer, Public and Government Affairs
 John D'Amore, Acting Chief Technology Officer
 Michael P. DePallo, Director, Rail Transit
 John C. Denise, Supervisor, Audio Visual/Photography, Public and Government Affairs
 Pasquale DiFulco, Senior Public Information Officer, Public and Government Affairs
 Francis A. DiMola, Deputy Director, Real Estate Services
 Michael Dombrowski, Cinematographer, Public and Government Affairs
 John J. Drobny, Director, Project Management
 Michael G. Fabiano, Deputy Chief Financial Officer/Comptroller
 Ziomara Y. Foster, Senior Administrator, Office of the Secretary
 James P. Fox, First Deputy Executive Director
 Michael B. Francois, Director, Development
 William H. Goldstein, Deputy Executive Director, Capital Programs
 Linda C. Handel, Assistant Secretary
 Alan H. Hicks, Senior Public Information Officer, Public and Government Affairs
 Howard G. Kadin, Senior Attorney, Law
 Victoria C. Kelly, Director, Tunnels, Bridges and Terminals
 Kevin J. Kirchman, Deputy Director, Public and Government Affairs
 Louis J. LaCapra, Chief Administrative Officer
 Richard M. Larrabee, Director, Port Commerce
 Shawn K. Laurenti, Director, Government and Community Affairs
 Marc LaVorgna, Assistant Director, Media Relations, Public and Government Affairs
 Francis J. Lombardi, Chief Engineer
 Stephen Marinko, Attorney, Law
 Michael G. Massiah, Director, Management and Budget
 John J. McCarthy, Director, Public and Government Affairs
 James E. McCoy, Manager, Board Management Support, Office of the Secretary
 Sanjay Mody, Advisor to the Chairman
 Anne Marie C. Mulligan, Treasurer
 Lynn A. Nerney, Senior Administrator, Office of the Secretary

Tony F. Oliver, Senior Marketing Analyst, Public and Government Affairs
Steven P. Plate, Director, World Trade Center Construction
Andrew Rachlin, Special Assistant to the Executive Director
Alan L. Reiss, Deputy Director, Aviation
Andrea Roitman, Director, Procurement
Juanita Scarlett, Executive Advisor, Public and Governmental Affairs
Alexandria Sica, Executive Assistant to the First Deputy Executive Director
Stephen Sigmund, Chief, Public and Government Affairs
Sheree R. Van Duyne, Manager of Policies and Protocol, Office of the Secretary
Peter J. Zipf, Deputy Chief Engineer

Guest:

Sonia Frontera, Authorities Unit, Office of the Governor of New Jersey

Public Speakers:

Christine Berthet, Clinton/Hell's Kitchen Pedestrian Coalition
Kathleen Treat, Clinton/Hell's Kitchen Pedestrian Coalition

The public session was called to order by Chairman Coscia at 2:06 p.m. and ended at 2:32 p.m. The Board met in executive session prior to the public session. Commissioners Ferer and Silverman were present for a portion of the executive session.

Report of World Trade Center Redevelopment Subcommittee

The World Trade Center Redevelopment Subcommittee reported, for information, on matters discussed in executive session at its meeting on April 25, 2007, which included matters involving ongoing negotiations or reviews of contracts or proposals, matters related to the development of future Port Authority facilities or projects and the redevelopment of existing facilities or projects, where public disclosure may impact property values, and matters related to the purchase, sale or lease of real property or securities, where disclosure would affect the value thereof or the public interest, and the report was received.

Report of Committee on Operations

The Committee on Operations reported, for information, on certain matters discussed in public session at its meeting on April 25, 2007, which included discussion of a program to redevelop the Port Authority Bus Terminal, and the report was received.

Report of Committee on Construction

The Committee on Construction reported, for information, on certain matters discussed in public session at its meeting on April 25, 2007, which included a contract to rehabilitate the four New York Lower Level approach ramps at the George Washington Bridge and review of construction results for the first quarter of 2007 and the status of various capital projects included in the 2007 Capital Budget, as well as matters filed with the Committee pursuant to Board action or separately reported to the Board of Commissioners at this meeting of the Board, and the report was received.

Executive Director's Report

The Executive Director provided a status report on various projects and accomplishments in each of our core business areas.

Staff Reports

Presentations were made by staff on:

- 1) World Trade Center Site – Freedom Tower Project – Authorization to Award Construction Trade Contract;
- 2) Downtown Restoration Program – Authorization to Accept an Assignment of a Trade Contract for Structural Steel for the World Trade Center (WTC) Memorial, Memorial Museum and WTC Infrastructure Projects, Including Authorization of Associated Payments into an Escrow Account; and
- 3) Port Authority Bus Terminal Development – Program Authorization.

EXPANSION OF FOREIGN-TRADE ZONE NO. 49 THROUGH THE ESTABLISHMENT OF A SUBZONE TO INCLUDE IN MOCEAN GROUP, LLC IN NORTH BRUNSWICK, NEW JERSEY

It was recommended that the Board authorize the Executive Director to: (1) file an application on behalf of the Port Authority, as Grantee of Foreign-Trade Zone No. 49 (FTZ 49), with the Foreign-Trade Zones Board (FTZ Board) of the United States Department of Commerce for the establishment of a sub-zone at the In Mocean Group, LLC (IMG) facility in North Brunswick, New Jersey; and (2) execute an operating agreement with IMG.

IMG's North Brunswick facility is primarily used for the receipt, storage, sorting, repacking and distribution of swimwear and beach accessories. During its peak operating season (December-May), IMG employs approximately 100 people in the New York/New Jersey region, as well as sustaining or creating other jobs in associated support industries/services. Currently, 10 percent of IMG's net sales are derived from sales outside the United States, primarily in Canada. However, IMG is now actively exploring opportunities to expand its export market into Europe and Australia.

The proposed FTZ 49 sub-zone would support IMG's efforts to improve its competitiveness in the global and domestic marketplaces. The proposed sub-zone would consist of one site on approximately 22 acres of land and would comprise a total of 246,150 square feet of warehouse space. The sub-zone status would provide IMG with the ability to maintain or enhance its current competitive position through a reduction in distribution costs, and is expected to have a positive economic impact upon the North Brunswick facility, the Township of North Brunswick and the surrounding communities.

Enlargement of the zone also would result in increased annual foreign-trade zone operator revenues to the Port Authority. An operating agreement between the Port Authority and IMG would become effective upon U.S. Customs and Border Protection's activation date of the sub-zone for a term of five years, subject to renewal. Upon approval by the FTZ Board and activation by U.S. Customs and Border Protection, IMG would pay the Port Authority a total amount of \$65,000 over the five-year term of the operating agreement.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Blakeman, Chasanoff, Coscia, Gargano, Genova, Mack and Steiner voting in favor; none against:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) file an application on behalf of the Port Authority, as Grantee of Foreign-Trade Zone No. 49, with the Foreign-Trade Zones Board of the United States Department of Commerce for the establishment of a sub-zone at the In Mocean Group, LLC (IMG) facility in North Brunswick, New Jersey; and (2) execute an operating agreement with IMG, each substantially in accordance with the terms and conditions outlined to the Board; and it is further

RESOLVED, that the form of all documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

**WORLD TRADE CENTER SITE – FREEDOM TOWER PROJECT –
AUTHORIZATION TO AWARD CONSTRUCTION TRADE CONTRACT**

It was recommended that the Board authorize 1 World Trade Center LLC (1 WTC LLC), in order to further the construction of the Freedom Tower, to: (1) enter into a construction trade contract for construction of the curtain wall for the Freedom Tower through its agent, Tishman Construction Corporation (Tishman), at a total estimated construction cost of \$160.65 million, inclusive of an authorization for extra work; and (2) expend an estimated \$5 million for payments to Skidmore Owings and Merrill LLP (SOM) during the period of June 1, 2007 through December 31, 2007 for continued design services for the Freedom Tower project.

At its January 25, 2007 meeting, the Board authorized 1 WTC LLC to execute an amendment to the September 2003 General Contractor Agreement to: (1) allow Tishman to provide construction management services for the Freedom Tower project for an estimated fee of \$26.5 million, and (2) provide for general conditions work of approximately \$170 million, to be managed by Tishman. At that meeting, the Board also authorized purchases of interim insurance coverage for the Freedom Tower construction, at a cost not to exceed \$4.79 million.

At its February 22, 2007 meeting, the Board authorized 1 WTC LLC to advance construction of the Freedom Tower at the World Trade Center (WTC) site, at a total estimated cost of \$2.877 billion, inclusive of below-grade and above-grade construction, and common site infrastructure, finance charges associated with the project and coordination of construction with other projects at the WTC site, including work above the Port Authority Trans-Hudson rail system right-of-way. At that meeting, the Board also authorized 1 WTC LLC to: (1) enter into construction trade contracts for the Freedom Tower, at an estimated cost of \$429.6 million; (2) fund the value remaining in the trade contracts held by Tishman under the General Contractor Agreement, in an estimated amount of \$35.3 million; (3) enter into a number of agreements to provide professional, technical, peer, testing, inspection and specialty advisory services, in an estimated amount of \$25.1 million; and (4) expend an estimated \$2.25 million for continued payments to SOM for continued design services during the period of March 1, 2007 through May 31, 2007.

At its March 29, 2007 meeting, the Board authorized 1 WTC LLC to enter into trade contracts estimated at \$105 million for fire protection, elevators and escalators.

The contractor to be awarded the contract for construction of the curtain wall of the Freedom Tower, Benson Industries, Inc., would be responsible for design, testing, fabrication and installation of the aluminum-and-glass curtain wall from the 20th floor through the top of the building, including the stainless steel vertical corner panels, the recessed louver walls at the interior side of the Plenums (Floors 3 through 20, 91 through 93 and 103 through the top of the building), and the associated aluminum cladding of the structural steel within the Plenum areas. Additional related work would include furnishing and installing slab embeds, additional required support steel not indicated in the structural drawings, fire safety systems at the floor slab edges, performance and dynamic load testing and mock-ups, site testing and final cleaning. Authorization for extra work, at eight percent of the contract amount of \$148.75 million, is being requested for the construction trade contract.

Although a lower-cost proposal was submitted, it was deemed non-responsive because it contained material exceptions to the bid documents.

The form of trade contract being utilized by Tishman was developed by Port Authority staff and maintains, to the greatest degree possible, Port Authority policies and procedures for the work, including provisions allowing for termination for convenience, and requirements for minority and women-owned business enterprise utilization, confidentiality, security and integrity monitoring, and a competitive bidding process.

The construction trade contract proposed for award would be awarded to the lowest-cost responsive bidder, in accordance with the procurement procedures established in the Third Freedom Tower Amendment, authorized by the Board at its January 25, 2007 meeting.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Blakeman, Chasanoff, Coscia, Gargano, Genova, Mack and Steiner voting in favor; none against:

RESOLVED, that 1 World Trade Center LLC (1 WTC LLC) be and it hereby is authorized to enter into a construction trade contract for construction of the curtain wall for the Freedom Tower, through its agent, Tishman Construction Corporation, at an estimated total construction cost of \$160.65 million, which includes an eight perc`ent authorization for extra work; and it is further

RESOLVED, that 1 WTC LLC be and it hereby is authorized to expend an estimated \$5 million for payments to Skidmore Owings and Merrill LLP during the period of June 1, 2007 through December 31, 2007 for continued design services for the Freedom Tower project; and it is further

RESOLVED, that the form of the curtain wall construction trade contract shall be subject to the approval of General Counsel or his authorized representative.

DOWNTOWN RESTORATION PROGRAM – AUTHORIZATION TO ACCEPT AN ASSIGNMENT OF A TRADE CONTRACT FOR STRUCTURAL STEEL FOR THE WORLD TRADE CENTER (WTC) MEMORIAL, MEMORIAL MUSEUM AND WTC INFRASTRUCTURE PROJECTS, INCLUDING AUTHORIZATION OF ASSOCIATED PAYMENTS INTO AN ESCROW ACCOUNT

It was recommended that the Board authorize the Executive Director, for and on behalf of the Port Authority, to: (1) accept assignment of a construction trade contract for the purchase, fabrication and installation of below-grade structural steel for the World Trade Center (WTC) Memorial, Memorial Museum, and WTC infrastructure projects from the WTC Memorial Foundation (Foundation), at an estimated total construction cost of \$58.9 million, inclusive of an authorization for extra work; and (2) accept a partial assignment of the Foundation's contract with Bovis Lend Lease LMB, Inc. (Bovis) for Construction Manager/General Contractor (CM/GC) services associated with the trade contract for structural steel, subject to a funding commitment by the Foundation for costs of the steel construction work associated with the WTC Memorial and Memorial Museum projects. It was also recommended that the Board authorize the Executive Director, for and on behalf of the Port Authority and its wholly owned corporate entities, WTC Retail LLC and 1 World Trade Center LLC (collectively, the Port Authority Entities), to make payments into an escrow account, in an amount not to exceed \$12.8 million, for costs associated with the structural steel elements in support of future WTC site infrastructure components and future facilities.

In December 2006, the Board authorized the Executive Director to enter into an agreement with the Foundation providing for the Port Authority to accept an assignment of the Foundation's CM/GC contract with Bovis for construction of the WTC Memorial and Cultural Project. Since that time and prior to the completion of the full assignment, Bovis has progressed the procurement of the subgrade structural steel, an essential component that is critical for timely completion of the WTC Memorial and Cultural Project. The Foundation would enter into the trade contract for structural steel through its agent, Bovis, and assign the trade contract and certain of its rights and obligations under the Bovis CM/GC contract associated with the structural steel trade contract to the Port Authority.

The contractor to be awarded the contract for construction of the subgrade structural steel, Owen Steel Company, the lowest-cost qualified bidder in accordance with the competitive procurement procedures established in the Bovis CM/GC contract, would be responsible for the fabrication and installation of fabricated structural steel framing and metal deck from nominally 70 feet below grade to grade, for approximately six acres at the WTC site.

The Bovis CM/GC contract includes a provision for the reimbursement to Bovis of general condition costs, as well as the payment of a negotiated fee for construction management services, in a combined amount presently estimated at \$7.5 million.

Although a portion of the structural steel contract work is exclusively for the WTC Memorial and Memorial Museum Project, certain elements of the structural package are required to support future WTC site common infrastructure components and facilities. In particular, approximately 1,900 tons (including 400 tons of jumbo material) of the overall quantity of

11,500 tons of steel to be awarded (including 2,400 tons of jumbo material) is for the Central Chiller Plant, Vehicular Parking, and other Port Authority facilities located within the West Bathtub. Under other cost sharing and funding arrangements for the Central Chiller Plant and other site infrastructure components, the Port Authority Entities share costs for common infrastructure needed to support the WTC Transportation Hub, WTC retail development and other site facilities. Of the \$58.9 million total construction cost for which authorization is being sought herein, the Foundation would be responsible for \$46.1 million and the Port Authority Entities would be responsible for the remaining \$12.8 million, which would be paid into an escrow account. Of the amount that would be the responsibility of the Port Authority Entities, approximately \$5.02 million is expected to be recoverable from external funding sources, including Federal Transit Administration grant funds and insurance. Of the \$7.78 million balance that is not recoverable, approximately \$2.23 million would be allocated against the Port Authority's commitment of \$150 million toward the cost of infrastructure to support the WTC Memorial/Cultural Project.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Blakeman, Chasanoff, Coscia, Gargano, Genova, Mack and Steiner voting in favor; none against:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) accept an assignment of a construction trade contract in connection with the purchase, fabrication and installation of below-grade structural steel from the World Trade Center (WTC) Memorial Foundation (Foundation) at an estimated total construction cost of \$58.9 million, which includes a six percent authorization for extra work; and (2) accept a partial assignment of the Foundation's contract with Bovis Lend Lease LMB, Inc. for Construction Manager/General Contractor services in connection with the trade contract for structural steel; subject to a funding commitment by the Foundation for costs of the steel construction work associated with the WTC Memorial and Memorial Museum projects; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority and its wholly owned corporate entities, WTC Retail LLC and 1 World Trade Center LLC, to make payments into an escrow account, in an amount not to exceed \$12.8 million, to be used for the payment of costs associated with the construction of certain below-grade steel work in the West Bathtub of the WTC site that would support future WTC site infrastructure components and future facilities; and it is further

RESOLVED, that the form of all contracts and agreements necessary to effectuate the foregoing shall be subject to the approval of General Counsel or his authorized representative.

PORT AUTHORITY BUS TERMINAL DEVELOPMENT – PROGRAM AUTHORIZATION

It was recommended that the Board authorize a program for the Port Authority Bus Terminal (PABT) that would include: (1) a physical and functional assessment of the need for the redevelopment of the PABT; (2) a preliminary engineering assessment for the development of a bus garage on Port Authority-owned property in the vicinity of the Lincoln Tunnel; (3) an analysis of future trans-Hudson commuter service requirements and options relative to alternative bus terminal sites; and (4) an evaluation of the real estate development potential of Port Authority property in the Midtown West area of Manhattan and development of a strategy to maximize value (the Program). In connection therewith, it was also recommended that the Board authorize the Executive Director to: (1) retain professional consultant and engineering services, to be selected on a competitive basis, to assist in the Program work; (2) resume negotiations with 20X Square Associates, LLC (20X Square) for the development of the air rights above the North Wing of the PABT, and authorize an increase in funding for a real estate advisor, to be selected competitively from the Port Authority's existing call-in list, to provide professional consulting services in connection with the Port Authority's negotiations with 20X Square; and (3) settle an outstanding lawsuit brought by 20X Square in August 2003, in consideration of the Port Authority entering into an Exclusivity Agreement for the development of the air rights over the North Wing of the PABT for a 180-day period, which period may be extended, in the sole discretion of the Port Authority, for up to 90 additional days. In addition, General Counsel would be authorized to retain outside legal counsel to provide additional legal services in connection with the Program.

The PABT is almost 60 years old, with some of its systems approaching the end of their useful lives. Communication technologies and environmental enhancements need to be evaluated as part of determining the long-term strategy for the PABT. In addition, new construction of additional bus gates on the 4th floor will be required in order to accommodate growth in the number of users of the facility over the next decade. As a result of the development of the Hudson Yards Special District, numerous parcels of land that have been used for bus parking during non-commuting hours will be developed, thus displacing the buses that park there daily. A joint study of the Port Authority and the New York City Economic Development Corporation examined suitable locations in Midtown West Manhattan and concluded that a consolidated facility near the existing bus terminal with direct connecting ramps would provide the greatest benefit to bus customers and minimize the impact on the community. Two potential sites have been identified.

In June 2000, as a result of a Request for Proposals (RFP) process, the Port Authority selected 20X Square, a private developer, for the operation of certain retail space in the PABT and the construction and operation of an office tower to be constructed in the air space above the North Wing of the PABT. In November 2000, the Port Authority and 20X Square entered into a Designation Agreement, which, among other things, provided for a due diligence period for the evaluation of the economic and physical ramifications of proposed lease arrangements. In April 2003, after 20X Square failed to make certain payments to the Port Authority as required by the Designation Agreement, the Port Authority terminated the Designation Agreement and the negotiations thereunder. On August 27, 2003, 20X Square commenced a lawsuit which

challenged the Port Authority's termination of the Designation Agreement. In mid-2006, 20X Square approached the Port Authority with a proposal to drop the litigation in exchange for recommencing the negotiations regarding the development of the PABT. The terms of the proposed Exclusivity Agreement would provide that, upon the execution of the agreement by the Port Authority, 20X Square would execute all necessary documentation to dismiss the lawsuit, said dismissal to be with prejudice and without costs as to either of the parties.

The estimated aggregate cost of the following agreements anticipated to be negotiated in connection with the Program is \$9 million. The agreements would include contracts with: (1) engineering service firms for an assessment of the existing PABT complex and for the preliminary engineering for the development of the 26 new gates in the North Wing of the PABT, as well as for a bus parking garage on Port Authority-owned property in the vicinity of the Lincoln Tunnel, at an estimated cost of \$6.5 million; (2) consultants, to be selected through a competitive RFP, for assistance regarding the analysis of longer-term relocation options for the PABT, at an estimated cost of \$1 million; (3) a real estate and financial advisor to provide real estate and financial services for an assessment of the development potential of Port Authority properties in Midtown Manhattan, at an estimated cost of \$1 million; and (4) a real estate advisor to assist in the negotiation and preparation of agreements for the development of the air rights over the North Wing of the PABT, at an estimated cost of \$500,000.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Blakeman, Chasanoff, Coscia, Gargano, Genova, Mack and Steiner voting in favor; none against:

RESOLVED, that a Program for the Port Authority Bus Terminal (PABT) that would include: (1) a physical and functional assessment of the need for the redevelopment of the PABT; (2) a preliminary engineering assessment for the development of a bus garage on Port Authority-owned property in the vicinity of the Lincoln Tunnel; (3) an analysis of future trans-Hudson commuter service requirements and options relative to alternative bus terminal sites; and (4) an evaluation of the real estate development potential of Port Authority property on the Midtown West Manhattan area and development of a strategy to maximize value shall be and it hereby is authorized; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into appropriate agreements in connection with the foregoing Program, to: (1) retain professional consulting and engineering services to be selected on a competitive basis, to assist in the work of the Program; (2) resume negotiations with 20X Square Associates LLC (20X Square) for the development of the air rights above the North Wing of the Port Authority Bus Terminal (PABT) and authorize an increase in the funding for a real estate advisor to provide professional consulting services in connection with the Port Authority's negotiations with 20X Square; and (3) settle an outstanding lawsuit commenced by 20X Square, in consideration of the Port Authority entering into an Exclusivity Agreement with 20X Square for the development of

the air rights over the North Wing of the PABT; in each case, substantially in accordance with the terms and conditions outlined to the Board; and it is further

RESOLVED, that General Counsel be and he hereby is authorized, for and on behalf of the Port Authority, to retain outside legal counsel to provide additional legal services in connection with the Program; and it is further

RESOLVED, that the form of all agreements in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

SETTLEMENT OF CLAIM – ATA AIRLINES, INC.

It was recommended that the Board authorize General Counsel, for and on behalf of the Port Authority, to finalize the settlement of property damage claimed by ATA Airlines, Inc. (ATA) in the amount of \$210,000. In return ATA would provide the Port Authority with a General Release.

On June 8, 2006 at approximately 4:30 p.m., an ATA aircraft was damaged while traveling on a taxiway at LaGuardia Airport when the tail section of the aircraft was struck by a metal plate used for temporary taxiway pavement repairs. After an investigation was performed, it was determined that Port Authority staff had used the wrong type of repair plate.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Commissioners Blakeman, Chasanoff, Coscia, Gargano, Genova, Mack and Steiner voting in favor; none against:

RESOLVED, that General Counsel be and he hereby is authorized, for and on behalf of the Port Authority, to finalize the settlement of property damage claimed by ATA Airlines, Inc. in the amount of \$210,000, inclusive of attorneys' fees, costs and interest.

Whereupon, the meeting was adjourned.

Secretary