

**PORT AUTHORITY TRANS-HUDSON CORPORATION**

**MINUTES**

**Thursday, April 26, 2001**

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**MINUTES of the Annual Meeting of Port Authority Trans-Hudson Corporation held Thursday, April 26, 2001, 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. Philibosian  
 Hon. Anthony J. Sartor  
 Hon. James Weinstein

Neil D. Levin, President  
 Ernesto L. Butcher, Vice-President  
 Jeffrey S. Green, Counsel

Kayla M. Bergeron  
 Daniel D. Bergstein  
 Bruce D. Bohlen  
 John D. Brill  
 Gregory G. Burnham  
 Steven J. Coleman  
 Anthony G. Cracchiolo  
 Joanne Crowley  
 William R. DeCota  
 Michael P. DePallo  
 Karen E. Eastman  
 Edward L. Jackson  
 Howard G. Kadin  
 Louis J. LaCapra  
 Richard M. Larrabee  
 Francis J. Lombardi  
 Stephen Marinko  
 Charles F. McClafferty  
 James E. McCoy  
 Allen M. Morrison  
 Cherrie L. Nanninga  
 Catherine F. Pavelec  
 Alan L. Reiss  
 Ronald H. Shiftan  
 Douglas L. Smith  
 Gregory J. Trevor  
 Christopher O. Ward  
 Robert D. Williams  
 Margaret R. Zoch

**NEW YORK**

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

The public meeting was called to order by Chairman Eisenberg at 3:22 p.m. and ended at 3:30 p.m. The Board met in executive session prior to the public meeting. Director Race was present during executive session.

### **Action on Minutes**

The Vice-President submitted for approval Minutes of action taken at the Board meeting of April 5, 2001. 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.

### **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 Neil D. Levin as President and Ernesto Butcher as Vice-President and General Manager."

Pursuant to the foregoing report, Directors Chasanoff, Donovan, Eisenberg, Gargano, Mack, Martini, Philibosian, 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, Neil D. Levin as President and Ernesto Butcher as Vice-President and General Manager.

**SETTLEMENT OF CLAIM – THOMAS W. DORITY v. PORT AUTHORITY TRANS-HUDSON CORPORATION AND CONTROLLED POWER CORPORATION**

It was recommended that the Board authorize Counsel to settle the pending lawsuit entitled Thomas W. Dority v. Port Authority Trans-Hudson Corporation and Controlled Power Corporation, for a total settlement amount of \$244,020.60, in return for a General Release and a Stipulation of Dismissal, with prejudice. Of this sum, Port Authority Trans-Hudson Corporation (PATH) would contribute \$50,000 (\$42,417.29 of which would be paid to the plaintiff and \$7,582.71 to the Railroad Retirement Board (RRB) in satisfaction of an outstanding RRB lien) and waive a PATH medical and wage benefit lien of \$69,020.60. The co-defendant, Controlled Power Corporation (CPC), would contribute \$125,000 towards the settlement.

Thomas W. Dority, a 53-year-old former PATH employee, brought this action under the Federal Employer's Liability Act to recover for injuries he sustained in a work-related accident during the course of his employment with PATH. The accident occurred on June 14, 1990, at the PATH facility at Exchange Place, Jersey City, New Jersey. At the time of the accident, the plaintiff was attending a demonstration of a new D.C. breaker system, which was being given to PATH employees by CPC. Plaintiff was injured during that portion of the demonstration in which a representative of CPC was explaining how to remove an 80-pound arc suppressor from the breaker. While attempting to lift the arc suppressor, the plaintiff sustained a serious and permanent injury to his back. The plaintiff maintains that PATH failed to provide him with a reasonably safe working environment, a non-delegable duty required by federal law. Despite surgery, Mr. Dority was permanently disabled as a result of his injuries and retired from PATH on February 28, 1994. He currently receives a disability pension from the RRB.

Pursuant to the foregoing report, the following resolution was adopted with Directors Chasanoff, Donovan, Eisenberg, Gargano, Mack, Martini, Philiposian, 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 Thomas W. Dority v. Port Authority Trans-Hudson Corporation and Controlled Power Corporation, for the total amount of \$244,020.60, of which PATH would contribute \$50,000 (\$42,417.29 would be paid to the Plaintiff and \$7,582.71 to the Railroad Retirement Board (RRB) in satisfaction of an outstanding RRB lien) and waive a PATH medical and wage benefit lien of \$69,020.60, in return for a release and dismissal of this action with prejudice.

Whereupon, the meeting was adjourned.

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Vice-President