

PORT AUTHORITY TRANS-HUDSON CORPORATION

MINUTES

Thursday, February 23, 2006

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**MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Thursday, February 23, 2006,
at 225 Park Avenue South, City, County and State of New York.**

PRESENT:

Hon. Anthony R. Coscia, Chairman
 Hon. Angelo J. Genova
 Hon. Raymond M. Pocino
 Hon. Anthony J. Sartor
 Hon. Jack G. Sinagra
 Hon. David S. Steiner

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

Kenneth J. Ringler Jr., President
 Ernesto L. Butcher, Vice-President and General Manager
 Darrell B. Buchbinder, Counsel

Gwendolyn Archie
 Catherine M. Bergamini
 Kayla M. Bergeron
 A. Paul Blanco
 John D. Brill
 Gregory G. Burnham
 Anthony B. Ciavolella
 Arthur J. Cifelli
 Steven J. Coleman
 Cristina DeFazio
 Michael P. DePallo
 Pasquale DiFulco
 Francis A. DiMola
 Michael Dombrowski
 John J. Drobny
 Karen E. Eastman
 Iran H. Engel
 Nancy J. Ertag-Brand
 Michael G. Fabiano
 James P. Fox
 Michael B. Francois
 Cedrick T. Fulton
 Jessica L. Golstein
 Aaron Graham
 Linda C. Handel
 Edward L. Jackson
 Howard G. Kadin
 Louis J. LaCapra
 Richard M. Larrabee
 Shawn K. Laurenti
 Francis J. Lombardi
 Robert F. Lurie
 Stephen Marinko
 John P. McCarthy

James E. McCoy

Anne Marie C. Mulligan
Lynn A. Nerney
Steven P. Plate
Alan L. Reiss
Edmond F. Schorno
Kang Shih
Stephen Sigmund
Gerald B. Stoughton
Sheree R. Van Duyne
Robert E. Van Etten

Guest:

Keith D. Barrack
Mr. and Mrs. Anthony G. Cracchiolo

The public session was called to order by Chairman Coscia at 1:30 p.m. and ended at 1:49 p.m. The Board met in executive session prior to the public session.

Action on Minutes

The Vice-President submitted for approval Minutes of the meeting of December 8, 2005. 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.

SETTLEMENT OF CLAIM – JOSEPH TUFANO V. PORT AUTHORITY TRANS-HUDSON CORPORATION

It was recommended that the Board authorize Counsel, for and on behalf of Port Authority Trans-Hudson Corporation (PATH), to finalize the settlement of a personal injury claim entitled Joseph Tufano v. Port Authority Trans-Hudson Corporation, brought pursuant to the Federal Employers' Liability Act (FELA), for a total amount of \$147,765.92, inclusive of attorneys' fees, costs and disbursements. Of this amount, \$57,700 is attributable to pain and suffering and out-of-pocket wage loss; \$27,729.54 is attributable to a waiver of lien held by PATH for wage benefits paid to plaintiff; \$61,536.38 is attributable to a waiver of a lien held by PATH for medical bills; and \$800 is attributable to a Railroad Retirement Board (RRB) lien. The PATH liens would be deducted from the total settlement, a separate check would be sent to the RRB in full payment of its lien, and the remaining amount would be paid to plaintiff and his attorney. Plaintiff would provide a General Release and Stipulation of Dismissal with Prejudice.

The action brought by plaintiff arose out of two separate incidents. The first occurred on March 30, 2001 and the second on January 29, 2002. The plaintiff was 64 years old at the time of the incidents and employed by PATH as an Engineer. It is alleged that in the March 2001 incident, plaintiff injured his right wrist due to a jammed brake handle that snapped, resulting in fibro cartilage tear and right medial entrapment. He underwent carpal tunnel surgery and a release of the A1 pulley of the right long and middle fingers, with a post-operative diagnosis of carpal tunnel syndrome and flexor tenosynovitis to said fingers. It is alleged that in the January 2002 incident, plaintiff injured his right knee and right shoulder due to tripping and falling on a concrete walkway ramp at PATH's car repair facility in Jersey City, requiring arthroscopic surgery to his right shoulder and partial open reduction surgery for internal injuries to his shoulder, including a massive rotator cuff tear. Plaintiff retired from PATH service after the second surgery.

Plaintiff initially demanded \$200,000 to settle this action. The Court recommended settlement in the amount of \$130,000, together with the waiver of all PATH liens, but through aggressive negotiations, and with the assistance of the Court, the parties agreed upon the proposed settlement amount, subject to Board approval.

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

RESOLVED, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to finalize the settlement of the pending civil action entitled Joseph Tufano v. Port Authority Trans-Hudson Corporation for a total amount of \$147,765.92, inclusive of attorneys' fees, costs and disbursements.

FINAL CONTRACT 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 of October 1, 2005 to October 31, 2005.

CONTRACT NUMBER	CONTRACT TITLE FACILITY AND CONTRACTOR	ORIGINAL AUTHORIZATION	TOTAL AUTHORIZED	TOTAL PAYMENTS
PAT582	ADMINISTRATION BUILDING RENOVATION-PHASE II JOURNAL SQUARE TRANSPORTATION CENTER V.R.H. CONSTRUCTION CORPORATION	<u>10,000,000</u> (B) 10,000,000	<u>10,000,000</u> 10,000,000	<u>6,076,704</u> 6,076,704
PAT605	MISCELLANEOUS HVAC IMPROVEMENTS - PHASE I JOURNAL SQUARE TRANSPORTATION CENTER DYNAMIC MECHANICAL CONTRACTORS, INC.	779,000 (A) 40,000 (B) <u>62,320</u> (C) 881,320	779,000 40,000 <u>62,320</u> 881,320	779,000 32,603 <u>44,062</u> 855,665
PAT624280	NEW STATION ENTRANCE AT CHRISTOPHER ST AND 9TH STREET PORT AUTHORITY TRANS- HUDSON CORPORATION E.E. CRUZ & COMPANY, INC.	<u>16,700,000</u> (B) 16,700,000	<u>16,700,000</u> 16,700,000	<u>561,400</u> (D) 561,400

(A) Lump Sum.

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

(C) Extra Work.

(D) The difference between "Total Authorized" and "Total Payments" represents the fact that the contract was mutually terminated after more than three years of the Contractor's staff being on "standby" status, but before the Contractor performed any site work.

FINAL CONTRACT 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 of November 1, 2005 to November 30, 2005.

CONTRACT NUMBER	CONTRACT TITLE FACILITY AND CONTRACTOR	ORIGINAL AUTHORIZATION	TOTAL AUTHORIZED PAYMENTS	TOTAL TOTAL PAYMENTS
PAT559	UPGRADE AND REPLACE DOORS JOURNAL SQUARE TRANSPORTATION CENTER PHILLIP FORDYCE CONSTRUCTION INC.	287,205 (A) 75,000 (B) <u>22,976</u> (C) 385,181	287,205 75,000 <u>22,976</u> 385,181	264,905 (E) --0-- <u>21,459</u> 286,364
PCP100000	DOWNTOWN PATH RESTORATION PROGRAM PORT AUTHORITY TRANS-HUDSON CORPORATION YONKERS CONTRACTING COMPANY, INC./TULLY CONSTRUCTION COMPANY, INC. AND A.J. PEGNO CONSTRUCTION COMPANY, A JOINT VENTURE	460,428,000 (B) <u>1,109,143</u> (D) 461,537,143	460,428,000 <u>1,109,143</u> 461,537,143	458,890,857 <u>1,109,143</u> 460,000,000

- (A) Lump Sum.
- (B) Net Cost - amount in the "Total Authorized" column represents the authorized estimated net cost amount. However, the amount in the "Total Payments" column is the actual net cost amount paid.
- (C) Extra Work.
- (D) Premium for furnishing performance and payment bond as provided for in the contract.
- (E) The difference between "Total Authorized" and "Total Payments" represents credit change orders in the total amount of \$22,300 for changes in the scope of the work.

Whereupon, the meeting was adjourned.

Vice-President