

**PORT AUTHORITY TRANS-HUDSON CORPORATION**

**MINUTES**

**Thursday, May 25, 2000**

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**MINUTES of the Meeting of the Port Authority Trans-Hudson Corporation held Thursday, May 25, 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. Philibosian  
 Hon. Anthony J. Sartor

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  
 John D. Brill  
 Gregory G. Burnham  
 William J. Cahill  
 George L. Cancro, Jr.  
 William DeCota  
 Michael P. DePallo  
 Karen E. Eastman  
 Nancy J. Ertag-Brand  
 Michael Glassner  
 Edward Jackson  
 Howard G. Kadin  
 Louis J. LaCapra  
 Francis J. Lombardi  
 Stephen Marinko  
 Charles F. McClafferty  
 Allen M. Morrison  
 Cherrie L. Nanninga  
 Catherine F. Pavelec  
 Kenneth P. Philmus  
 Alan L. Reiss  
 Ronald H. Shifan  
 Douglas L. Smith  
 John F. Spencer  
 Joseph A. Tobia  
 Christopher O. Ward  
 Angela F. Wood  
 Peter Yerkes  
 Margaret R. Zoch

Guests

Robert Horowitz  
 Robert Zerrillo

**NEW YORK**

Hon. Charles A. Gargano, Vice-Chairman  
 Hon. Peter S. Kalikow  
 Hon. David S. Mack  
 Hon. Bradford J. Race, Jr.

The public meeting was called to order by Chairman Eisenberg at 2:25 p.m. and ended at 2:35 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 April 27, 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 Committee on Operations**

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

**Report of Committee on Finance**

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

**PORT AUTHORITY TRANS-HUDSON CORPORATION - PAVONIA/NEWPORT STATION – MAJOR ACCESS AND CAPACITY IMPROVEMENTS - PROJECT AUTHORIZATION AND AWARD OF CONTRACT PAT-684.015**

Over the last few years, the population of the area surrounding the Port Authority Trans-Hudson Corporation (PATH) Pavonia/Newport Station (Station) has substantially increased due to residential and commercial development, including Newport and New Jersey Transit Corporation's Hudson Bergen Light Rail System. Since 1995, the number of passengers using the Station has increased from approximately 8,000 to over 12,000 per day, and further increases of approximately 8 percent a year over the next five years are expected as new developments are constructed and occupied. In its present configuration, the Station cannot effectively accommodate this increased level of ridership. To increase the Station's capacity, PATH would change its operations by reopening the side platform of the Station, which was last used prior to PATH's acquisition of the Station, for the 33<sup>rd</sup> Street and Hoboken routes, while the main platform would be used for the World Trade Center and Journal Square routes. The reopening of the side platform would, however, require major access improvements, including the construction of an additional staircase to conform to National Fire Protection Association requirements and the installation of an elevator for the Station to maintain its Americans With Disabilities Act "Key Station" accessibility status.

The work under this project would include the construction of an additional staircase and the installation of an elevator from the Station's mezzanine to the side platform within a slurry foundation wall system. To facilitate this method of construction, existing major underground utilities would be relocated and vehicular and pedestrian traffic would be re-routed off-site by a new bypass road, including lights and signals. Existing landscaping would be restored once all below-grade work is completed. Most work outside the Station would be performed during daytime hours, with little or no impact on PATH operations. Work inside the Station would be performed during off-peak hours to minimize any adverse impacts on PATH operations.

Pursuant to the foregoing report presented by staff, the following resolution was adopted with Directors Donovan, Eisenberg, Gargano, Kalikow, Mack, Martini, Philibosian, Race and Sartor voting in favor; none against:

**RESOLVED**, that a project at the Pavonia/Newport Station (Station) for major access and capacity improvements, at a total estimated project cost of \$15.7 million, including administrative, engineering, planning and financial expense, payments to vendors, consultants and contractors, allowances for extra work (if necessary) and net cost work, property acquisition, and a project contingency (if necessary) be and it hereby is authorized; and it is further

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation (PATH), to: (1) enter into agreements for environmental studies, appraisals, surveys, title searches, and title insurance as may be necessary for the acquisition of permanent and temporary property interests in connection with the project;

(2) enter into agreements with the City of Jersey City and other public and private entities and execute documents, including, without limitation, conveyances, as may be needed to effectuate the project, such agreements to cover, among other things, the relocation of utilities and the transfer of property interests to and from PATH, and to make related payments and incur associated costs and expenses; (3) take such action with respect to purchase and construction contracts and contracts for professional and advisory services related to the project as he deems in the best interest of PATH, including, without limitation, award of Contract PAT-684.015 for the construction of a staircase and the installation of an elevator from the Station's mezzanine to the side platform, at an estimated contract price of \$7.8 million, to the lowest bidder who, in his opinion, is qualified by reason of responsibility, experience and capacity to perform the work and whose bid price he deems reasonable; or to reject all bids, solicit new bids on revised or the same requirements, or negotiate with one or more bidders or other contractors; (4) execute contracts and supplemental agreements with such bidders or contractors as he deems in the best interest of PATH and to order extra work (if necessary) and net cost work in connection with each contract, including supplemental agreements thereto; (5) enter into an agreement with Public Service Electric and Gas Company for the relocation of its utilities in connection with the project, at an estimated cost of \$1.2 million; and, (6) enter into such other agreements as may be necessary to effectuate the project; and it is further

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

**SETTLEMENT OF CLAIM – WILLIAM JORDAN v. JOHN O'DONOHUE AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND PORT AUTHORITY TRANS-HUDSON CORPORATION**

It was recommended that Counsel be authorized to settle the pending action entitled William Jordan v. John O'Donohue and The Port Authority of New York and New Jersey and Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorneys the total sum of \$300,000, inclusive of all liens, costs, interest, disbursements and attorneys' fees. In exchange, John O'Donohue, the Port Authority and Port Authority Trans-Hudson Corporation (PATH) will receive a General Release and Stipulation of Discontinuance.

Plaintiff, William Jordan, was struck in a crosswalk at the intersection of 14<sup>th</sup> Street and 7<sup>th</sup> Avenue in the City of New York on September 26, 1992, by a PATH truck driven by John O'Donohue. Mr. O'Donohue was a PATH sanitation attendant and was proceeding to the 14<sup>th</sup> Street PATH station to clean it. At the time of the accident, plaintiff was 53 years old.

Plaintiff was diagnosed with severe dementia after the accident and, as a result, has been institutionalized and, in the opinions of the parties' medical experts, he will never be released. His medical experts stated that the dementia was caused by the accident. As a result of his condition, plaintiff has lost his job as a janitor maintaining several small buildings, as well as the use of an apartment in one of the buildings he was maintaining. In addition, plaintiff underwent surgery for a hernia in June 1993, which his doctor stated was causally related to the accident.

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

**RESOLVED**, that Counsel be and he hereby is authorized, for and on behalf of John O'Donohue, the Port Authority and Port Authority Trans-Hudson Corporation (PATH), to settle the action entitled William Jordan v. John O'Donohue and The Port Authority of New York and New Jersey and Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorneys the total sum of \$300,000, inclusive of all liens, costs, interest, disbursements and attorneys' fees. In exchange, John O'Donohue, the Port Authority and PATH will receive a General Release and Stipulation of Discontinuance.

**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 March 1, 2000 to March 31, 2000.

<b>CONTRACT NUMBER</b>	<b>CONTRACT TITLE FACILITY AND CONTRACTOR</b>	<b>TOTAL AUTHORIZED</b>	<b>TOTAL PAYMENTS</b>
PAT624008	CONSOLIDATED MAINTENANCE	10,148,097 (A)	10,148,097 (A)
	FACILITY	444,062 (B)	444,062 (B)
	WALDO YARD	150,000 (C)	24,001 (C)
	PRISMATIC DEVELOPMENT CORP.	841,920 (D)	180,375 (D)
		68,138 (F)	68,138 (F)
		44,406 (E)	44,406 (E)
		--0-- (K)	160,478 (K)
		11,696,623	11,069,557
PAT624025	CHRISTOPHER COLUMBUS DRIVE	960,000 (A)	953,000 (A,J)
	RETAINING WALL RESTORATION	240,000 (B)	240,000 (B)
	JERSEY CITY, NEW JERSEY	200,000 (C)	48,505 (C)
	BULLARD-LINDSAY CONTRACTING	96,000 (D)	96,000 (D)
	CORP.	24,000 (E)	24,000 (E)
		22,300 (F)	22,300 (F)
		75,000 (G)	75,000 (G)
		36,000 (H)	12,000 (H)
		40,000 (I)	34,984 (I)
	1,693,300	1,505,789	

(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) Per AP 45-1.01.5, classified work may exceed authorization amount limited to 10% or \$250,000 (whichever is less) without further authorization.

(PATH Board - 5/25/00)

- (F) Premium for furnishing performance and payment bond as provided for in the contract.
- (G) Increase in extra work in the amount of \$75,000 authorized on 6/5/98.
- (H) Increase in classified work in the amount of \$36,000 authorized on 1/7/00.
- (I) Increase in extra work in the amount of \$40,000 authorized on 1/7/00.
- (J) The difference between "Total Authorized" and "Total Payments" represents a credit change order in the amount of \$7,000 for the deletion of part of the work .
- (K) Per AP 45-1.01.5, uncommitted funds in extra work are permitted to be utilized against additional cost in classified work not covered under (E).

**Contract and Purchase Order Authorizations and Amendments - Quarterly Report**

In accordance with the By-Laws, the President reports actions taken under Article XII, sections (g)(1) and (g)(2), for the period January 1, 2000 to March 31, 2000.

<b>AWARDEE</b>	<b>DESCRIPTION</b>	<b>AUTHORIZATION</b>	<b>PROCUREMENT METHOD</b>
Lee Uniforms Division of Universal Uniforms, Inc. Contract #4600001399	PATH Engineer/Conductor Uniforms-One-year Requirements Contract	\$ 191,000	Government Contract
GKY Industries Contract #4600001601	Hardware, Various-Two-year Requirements Contract	\$ 265,877	Publicly Advertised
Holland Welding P.O. #4500009852	Welding, Flash Butt	\$ 192,450	Publicly Advertised
LB Foster P.O. #4500009884	Switches, Track	\$ 148,728	Publicly Advertised
Knox Kershaw, Inc.	Ballast Regulator/Snow Thrower for PATH Tracks	\$ 576,000	Publicly Advertised
Union Switch & Signal, Inc.	Five Electro-pneumatic Switch Machines	\$ 94,188	Sole Source
Stone Safety Corp.	Air Conditioning Parts	\$85,450	Sole Source

**Tort Claim Settlements - Quarterly Report**

The President reported, for information only, that in accordance with the authority granted under Article XII, section (g)(4) of the By-Laws, the following claims were previously settled, and reported closed during the period January 1, 2000 to March 31, 2000.

**I. TORT CLAIMS OF THE PORT AUTHORITY TRANS-HUDSON CORPORATION, CLOSED**

<b>NAME</b>	<b>AMOUNT COLLECTED</b>
C.H. MARTIN	\$ 2,596.00
VIOLA TAXI ASO SINGH GURM	2,666.66
GARRIDO SEGUNDO E	5,074.19
<b>TOTAL COLLECTED</b>	<b>\$ 10,336.85</b>

**II. TORT CLAIMS AGAINST THE PORT AUTHORITY TRANS-HUDSON CORPORATION, CLOSED**

**Patron Claims**

<b>NAME</b>	<b>AMOUNT PAID</b>
MCCARTHY, JUSTIN	\$ 25,000.00
FRITZEN, NANCY	17,000.00
FORES LETICIA	4,000.00
MAHER WALTER J	75.00
HIGGINBOTHAN, LAUREN	2,500.00
BEEBE, DIANE M	5,000.00
SPENCER, TAYLOR	3,000.00
SHAH, GIRISH M	75.00
FRISH, JOSEPH	30.00
CRONIN, GEOFFREY T.	50.00
COLEMAN, MARIELLA	500.00
WARD, DOROTHY C.	12.00
BERRY, PATRICK	70.00
<b>TOTAL</b>	<b>\$ 57,312.00</b>

**III. TORT CLAIMS AGAINST THE PORT AUTHORITY TRANS-HUDSON CORPORATION, CLOSED**

**Employee Claims**

<b>NAME</b>	<b>AMOUNT PAID</b>
GAFFNEY, JOSEPH V	\$ 4,825.66
TRAINA, CARMELO	29,530.11
HUGHES, TIMOTHY F	35,000.00
SALAMAT, PEREGRINA	9,000.00
AMBROSIO, LOUIS F	19,000.00
GUNNELL, TIMOTHY	12,500.00
LURITO EGIDIO	10,000.00
DUFFY MARTIN F	11,000.00
SELLARO KEVIN	12,500.00
NASCE, GERALD	1,000.00
GONSALEZ, ALBERTO	10,000.00
<b>TOTAL</b>	<b>\$ 154,355.77</b>

Whereupon, the meeting was adjourned.

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Vice-President