

PORT AUTHORITY TRANS-HUDSON CORPORATION

**MINUTES
Thursday, July 27, 2000**

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

PRESENT:

NEW JERSEY

Hon. Kathleen A. Donovan
 Hon. William J. Martini
 Hon. Alan G. Philibosian
 Hon. James Weinstein

NEW YORK

Hon. Peter S. Kalikow, Acting Chairman
 Hon. Michael J. Chasanoff
 Hon. Bradford J. Race, Jr.
 Hon. Anastasia M. Song

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 DeCota
 Michael P. DePallo
 Karen E. Eastman
 Josephine Gajewski
 Michael S. Glassner
 Linda C. Handel
 Edward L. Jackson
 Howard G. Kadin
 Louis J. LaCapra
 Francis J. Lombardi
 Stephen Marinko
 Charles F. McClafferty
 James E. McCoy
 Allen M. Morrison
 Fred V. Morrone
 Joanne A. Paternoster
 Catherine F. Pavelec
 Kenneth P. Philmus
 Alan L. Reiss
 Cruz C. Russell
 Ronald H. Shiftan
 Douglas L. Smith

Christopher O. Ward
Angela F. Wood
Peter Yerkes
Margaret R. Zoch

Guests

John Donnelly

Summer Law Interns

Jennifer A. Andaloro
James P. Byrnes
Kissa Broadie
Ronny Carny
Melissa L. Famularo
Samuel Scott Fagin
Scott E. Linsky
Akhila M. Naik
Keith Schallenkamp
Jessica Schlee
Joseph Septimus
Olivier J. Toffoletti
Michael L. Trucillo
Carmen Williams

The public meeting was called to order by Acting Chairman Kalikow at 2:00 p.m. and ended at 2:11 p.m. The Board met in executive session after the public meeting on June 29, 2000 and prior to today's public meeting.

Action on Minutes

The Vice-President submitted for approval Minutes of action taken at the Board meeting of June 29, 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.

SETTLEMENT OF CLAIM – KENNETH BURKE v. PORT AUTHORITY TRANS-HUDSON CORPORATION

It was recommended that the Board authorize Counsel to settle the pending action entitled Kenneth Burke v. Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorney the sum of \$500,000, less a Railroad Retirement Board lien in the amount of \$8,805, and waiving a wage lien of \$38,999.92 and a medical lien of \$58,697.90, in exchange for a General Release and a Stipulation of Discontinuance with prejudice, for a total settlement of \$597,797.82. Plaintiff and his attorneys will receive a net sum of \$491,195.

Plaintiff, Kenneth Burke, a 36-year-old Port Authority Trans-Hudson Corporation engineer, injured his back on December 8, 1992 when his seat in the engineer's cab unexpectedly moved as he was standing up, causing him to fall. He reinjured his back on October 24, 1994 when a seat in the engineer's cab collapsed under him, causing him to wrench his back. Plaintiff underwent two laminectomies and suffers from a permanent left foot drop. His doctor opined that plaintiff will require surgery to place rods in his back to stabilize his spine and that plaintiff will continue to experience back pain, which will increase with age.

Pursuant to the foregoing report, the following resolution was adopted with Directors Chasanoff, Donovan, Kalikow, Martini, Philibosian, Race, 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 action entitled Kenneth Burke v. Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorney \$500,000, less a Railroad Retirement Board lien of \$8,805, and waiving a wage lien of \$38,999.92 and a medical lien of \$58,697.90, in exchange for PATH's receipt of a General Release from liability and a Stipulation of Discontinuance of the action with prejudice, for a total settlement of \$597,797.82. Plaintiff and his attorney will receive a net sum of \$491,195.

SETTLEMENT OF CLAIM – EDWARD J. DALY v. PORT AUTHORITY TRANS-HUDSON CORPORATION

It was recommended that the Board authorize Counsel to settle the pending lawsuit entitled Edward J. Daly v. Port Authority Trans-Hudson Corporation, for the sum of \$143,923.38, in return for a General Release and a Stipulation of Dismissal of this action with prejudice. The settlement would include a payment to the plaintiff and his attorney in the amount of \$112,100 for pain, suffering and lost overtime, a waiver of a wage lien held by Port Authority Trans-Hudson Corporation (PATH) in the amount of \$8,975.20, and a waiver of a medical lien held by PATH in the amount of \$22,848.18.

The plaintiff, Edward J. Daly, brought this action under the Federal Employers Liability Act to recover for serious permanent injuries he sustained in a work-related accident which occurred on December 27, 1995. At that time, the 41-year-old plaintiff, a PATH Trackman, was seriously injured while climbing down from a bench wall in a tunnel after clearing for an oncoming train. As a result of this accident, the plaintiff suffered a herniated disc, which required back surgery and forced him to miss a total of twenty-four weeks of work. The plaintiff still has residual back problems, and, according to the plaintiff's medical expert, he will continue to experience back pain, tenderness and stiffness in the future.

Pursuant to the foregoing report, the following resolution was adopted with Directors Chasanoff, Donovan, Kalikow, Martini, Philibosian, Race, 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 Edward J. Daly v. Port Authority Trans-Hudson Corporation, for the total amount of \$143,923.38, including payment to the plaintiff and his attorneys in the amount of \$112,100 for pain, suffering and lost wages, and a waiver of liens by PATH for wage benefits (\$8,975.20) and medical benefits (\$22,848.18) paid on the plaintiff's behalf, in return for a General Release and Dismissal of this action with prejudice.

SETTLEMENT OF CLAIM – DAVID JONES V. PORT AUTHORITY TRANS-HUDSON CORPORATION

It was recommended that the Board authorize Counsel to settle the pending action entitled David Jones v. Port Authority Trans-Hudson Corporation, for the total amount of \$120,000. A medical lien of \$21,077.21 and a wage lien of \$13,847.04 will be waived and a Railroad Retirement Board lien of \$1,728.00 will be satisfied. Plaintiff and his attorney will receive the remaining \$83,347.75. In exchange, Port Authority Trans-Hudson Corporation (PATH) will receive a General Release from liability and a stipulation discontinuing the action, with prejudice.

Plaintiff, David Jones, a 22-year-old PATH trackman at the time of the incident, sustained serious injuries to his left shoulder in an alleged accident on October 17, 1995 on a flat car on Track 22 in the “C” yard in Jersey City. His injury required reconstructive surgery of his left shoulder, causing him to lose 3-1/2 months from work and requiring him to go on light duty for another six months thereafter. Mr. Jones has permanent, consequential reduced use of his left upper extremity as a result of the accident.

Pursuant to the foregoing report, the following resolution was adopted with Directors Chasanoff, Donovan, Kalikow, Martini, Philibosian, Race, 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 action entitled David Jones v. Port Authority Trans-Hudson Corporation, by paying to plaintiff and his attorneys \$83,347.75, waiving a medical lien of \$21,077.21 and a wage lien of \$13,847.04 and paying to the Railroad Retirement Board \$1,728.00 in satisfaction of its lien, for a total settlement of \$120,000, in exchange for PATH’s receipt of a General Release from liability and a stipulation of discontinuance of the action, with prejudice.

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 May 1, 2000 to May 31, 2000.

CONTRACT NUMBER	CONTRACT TITLE FACILITY AND CONTRACTOR	TOTAL AUTHORIZED		TOTAL PAYMENTS	
PAT150184	AUXILIARY POWER SYSTEM UPGRADE- NEW YORK STATIONS PREFERRED CONTRACTING CORP.	340,000.00	(A)	340,000.00	(A)
		17,000.00	(B)	89,458.00	(B)
		68,000.00	(C)	39,747.00	(C)
		425,000.00		469,205.00	

- (A) Lump Sum
- (B) 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.
- (C) Extra Work

Whereupon, the meeting was adjourned.

Vice-President