



WATERFRONT COMMISSION OF NEW YORK HARBOR

39 BROADWAY

NEW YORK, N. Y. 10006-3003

P: (212) 905-9201 | F: (212) 742-8965

WALTER M. ARSENAULT
EXECUTIVE DIRECTOR

PAUL T. WEINSTEIN
JOSEPH M. SANZARI
COMMISSIONERS

February 22, 2022

Via Electronic Mail

The Honorable Philip D. Murphy
Governor, State of New Jersey
P.O. Box 001
Trenton, New Jersey 08625-0001

Re: Document and Information Demands Pursuant to N.J.S.A. 53:2-9(a)

Dear Governor Murphy,

I am in receipt of your February 9, 2022 letter and accompanying document & information requests to the Waterfront Commission of New York Harbor pursuant to N.J.S.A. 53:2-9(a) (the "Act").

I am also in receipt of the attached February 9, 2022 letter from the State of New York, rejecting the validity and effectiveness of the Act. Given that, under the terms of the Waterfront Commission Compact the Act is without effect absent consent of both compacting States, I am unable to comply with any request served for the purpose of facilitating New Jersey's unilateral withdrawal from the Compact.

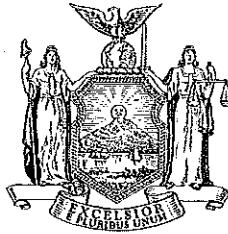
Of course, as we have routinely done in the past, we will continue to comply with any request for non-privileged, non-confidential records and information. We welcome the opportunity to meet with your office to discuss this further.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Arsenault", written over a horizontal line.

Walter Arsenault
Executive Director

cc: The Honorable Kathy Hochul, Governor, State of New York
Elizabeth Fine, Counsel to the Governor, State of New York
Commissioner Paul T. Weinstein, New York Commissioner
Commissioner Joseph M. Sanzari, New Jersey Commissioner
Phoebe S. Sorial, General Counsel, Waterfront Commission of New York Harbor
Parimal Garg, Chief Counsel to the Governor, State of New Jersey
Noreen Giblin, Deputy Chief Counsel, New Jersey Governor's Authorities Unit
Major Frederick Fife, New Jersey State Police



State of New York
Executive Chamber
Albany 12224

Kathy Hochul
GOVERNOR

Elizabeth R. Fine
Counsel to the Governor

February 9, 2022

Via Certified and Electronic Mail

Parimal Garg
Chief Counsel
Office of Governor Philip D. Murphy
P.O. Box 001
Trenton, New Jersey 08625-0001

Re: Notice of the State of New Jersey's Intention to Withdraw from the Waterfront
Commission Compact

Dear Parimal,

I am writing on behalf of Governor Kathy Hochul in response to Acting Governor Sheila Oliver's December 27, 2021 letter notifying her of New Jersey's intention to withdraw from the interstate compact that established the Waterfront Commission of New York Harbor (the "Commission"), under P.L. 1953 c. 202 (C.32:23-1 et seq.) (the "Compact").

Since receipt of New Jersey's December 27, 2021 letter, our office has reviewed the history and ongoing work of the Commission. As you know, the Commission was created in 1953 as a result of federal and state recognition that organized crime does not respect state boundaries and that the New York/New Jersey Port is a unified port. In drafting the Compact, Congress expressly reserved "[t]he right to alter, amend or repeal" the provisions thereof and directed that any "[a]mendments and supplements to this compact to implement the purposes thereof may be adopted by the action of the Legislature of either state *concurrent in the Legislature of the other.*" Compact § 2; *Id.*, art. XVI, ¶ 1 (emphasis added).

As Acting Governor Oliver noted in her letter, on January 15, 2018, then-Governor Chris Christie signed into law Chapter 324 of the 2017 New Jersey Public Laws (the "Act"), directing New Jersey's Governor to "notify the Congress of the United States, the Governor of the State of New

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York, and the [Commission], of New Jersey's intention to withdraw from ... the [Compact]" and declaring that ninety days after such notice is given, the Compact and Commission will be dissolved. 2017 N.J. Sess. Law Serv. Ch. 324, §§ 2, 31 (West 2018) (the "Act"); *see also id.* § 3 (defining "transfer date"). However, the Compact does not contemplate one state's unilateral withdrawal. In order to effectuate a dissolution of the Commission, the terms of the Compact would require New York to adopt concurrent legislation. New York has not done so, and therefore the Act is without effect.

Moreover, our research has shown that the Commission has been and continues to be a key investigative partner in both state and federal criminal prosecutions in both New York and New Jersey, and despite law enforcement's successes, there remains the threat of organized crime and corruption in the Port. As the federal law enforcement community has noted, the Commission provides invaluable resources and expertise at the intersection of organized crime and Port operations. The Commission also plays an essential role in ensuring that hiring throughout the Port is done in a fair and non-discriminatory manner pursuant to state and federal law.

Governor Hochul is committed to working hand in hand with the State of New Jersey to promote further economic growth and prosperity in the Port and, to that end, we are looking forward to our continued cooperative approach to balance the economic success of the Port with the safety of the citizens of New York and New Jersey. A timely - and shared - inquiry to examine the ongoing needs of our shared Port will benefit the safety and security of both of our states. We need to examine both what is working and what aspects of the Commission's work can be improved. We look forward to working with you on this important endeavor.

Sincerely,



Elizabeth Fine
Counsel to the Governor

cc (via electronic mail):

Paul Weinstein, New York Commissioner, Waterfront Commission of New York Harbor
Joseph M. Sanzari, New Jersey Commissioner, Waterfront Commission of New York Harbor