



State of New Jersey

OFFICE OF THE GOVERNOR

P.O. Box 001

TRENTON, NJ 08625-0001

PHILIP D. MURPHY
Governor

February 9, 2022

Via Electronic Mail

Walter Arsenault, Executive Director
Waterfront Commission of New York Harbor
An Instrumentality of the States of New York and New Jersey
39 Broadway – 4th Floor
New York, New York 10006-3003

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

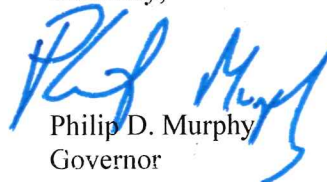
Dear Mr. Arsenault:

By letter dated December 27, 2021, and pursuant to N.J.S.A. 32:23-230, New Jersey notified the Waterfront Commission of its intention to withdraw from the interstate compact that established the Waterfront Commission of New York Harbor.

Pursuant to N.J.S.A. 53:2-9(a), enclosed is New Jersey's document and information demand, which responses must be provided to the Division of State Police in the Department of Law and Public Safety ("the Division"). All responses should be directed to the attention of Major Frederick Fife. This statute requires that the Commission cooperate with the Division and that the Commission make available to it "all information concerning its property and assets, contracts, operations, and finances" to provide for the efficient assumption of all duties conferred upon the Division by N.J.S.A. 32:23-229.

Under N.J.S.A. 53:2-36, the Commission's authority over the New Jersey ports ceases effective March 28, 2022; therefore, your expedient cooperation is required to effectuate the transfer of duties and assets of the Commission to New Jersey.

Sincerely,



Philip D. Murphy
Governor

- c. The Honorable Kathy Hochul, Governor, State of New York
Elizabeth Fine, Counsel to the Governor, State of New York
Phoebe Soriale, General Counsel, Waterfront Commission of New York Harbor
Commissioner Joseph M. Sanzari, New Jersey Commissioner
Commissioner Paul T. Weinstein, New York Commissioner
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

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WATERFRONT COMMISSION REQUESTS

Employment – Compensation & Benefits – Human Resources

- Total number of staff, including job titles & descriptions, compensation, and all accrued benefits
- Organizational chart
- Assigned work locations of staff, including any assigned to remote work.
- Retirement / Pension agreements for Commission employees
- Any Union or Collective Bargaining contracts for Commission employees
- Personnel Files, including background checks and investigations pertaining to any employee
- Health Benefits agreements

POLICE DIVISION

- Table of Organization of policing divisions of the Waterfront Commission including the number of personnel assigned to each division including rank and years of service
- Benchmarks and overall responsibilities of each Policing Division
- All MOU's with outside agencies where Task Force Officers from the Waterfront Commission are assigned
- All outside organizations or affiliations in which Waterfront Commission employees regularly attend, participate, or collaborate
- All equipment (vehicles, boats, issued gear, laptops, phones, weapons, etc.) available to or issued to members of the Waterfront Commission
- All Statistical Data including but not limited to all calls for services, investigations, and enforcement by members of the Waterfront Commission for the preceding calendar year
- Intelligence Databases used by the Waterfront Commission including sharing and dissemination
- All Database sets (Records Management Systems, Accident Reports, Operational Dispatch Systems, etc.) including all information stored within these databases
- Area of Responsibility for each Division including the responsibility of the Patrol Boats
- List of offices utilized by the Police Division including size, number of members within each building, security systems, and parking arrangement
- All Standard Operating Procedures related to the Police Division including but not limited to the lesson plans for police training provided to watchmen

IDENTIFICATION AND INFORMATION TECHNOLOGY SECTION

- Employees and assigned work locations
- A list of hardware, software applications, and databases used by the Commission
- A list of IT facilities, such as data centers, server rooms, network closets, etc.
- Inventory of all IT equipment and where located (including equipment purchased by or reimbursed to staff and used in remote work)
- Current IT related contracts and vendor information

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- List of IT related grants
- A breakdown of costs for the monies spent under the payroll subdivision "Information System" under the "Other Operating Expense"
- A breakdown of any other IT related expenditures
- Information on what type of communication medium is used at the Commission, i.e. Voice Over Internet Protocol (VOIP) or traditional phone lines and any contracts for service and equipment
- A comprehensive list of employees that will need access to law enforcement sensitive materials and databases
- Protocols for data storage

LEGAL/ADMINISTRATION

- Standard Operating Procedures for all departments and divisions
- Payroll records for the preceding year
- Fringe Benefits rate
- All active MOUs with federal, state, county, local or private entities
- List of all financial accounts with name of institution, account name and numbers, balances, and statements for each for the preceding year. * see Financial Statements section below
- Procurement policies and procedures
- Active contracts related to the procurement of goods/services
- Rent/lease agreements for all fixed and non-fixed assets and location of each asset
- Deeds/titles to any all owned assets
- Locations and logs of all record storage

FINANCIAL STATEMENTS

- Financial statements for the f/y/e June 30, 2021 through the current calendar year (audited, if available, otherwise provide unaudited) reflecting all assets, liabilities, reserves (general and restricted) and changes in operating fund balance, prepared on an accrual basis in accordance with Generally Accepted Accounting Principles. If accrual basis financial statements are not available, provide cash basis statements and schedules of all receivables and payables as of June 30, 2021.
- Balance sheet reporting all assets, liabilities and reserves at the current date, prepared on an accrual basis, along with supporting spreadsheets identifying details of assets and liabilities.
- Operating Fund and Forfeiture Fund receipts and disbursements, and change in fund balances, for the period July 1, 2021 to date.

RECEIPTS, RESERVES AND CASH/INVESTMENTS

- Reconciliation of the f/y/e 2021 budget with actual receipts/expenditures.

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- All records pertaining to the computation, billing and collection of the employer assessment. Such records shall identify the amount paid by each employer, dates of payment, late payments/fines/penalties, as well as the jurisdiction(s) in which that employer operates (e.g. NJ, NY or both), and any other information that identifies services being rendered in New Jersey.
 - a. Include amounts owed but not collected as of the current date.
 - b. Provide information about any software or reporting portal or other method used by the Commission for the billing, collection and tracking of the employer assessment, and two to three examples of same.
- Most recent monthly/quarterly statements for all cash, bank, money market, brokerage, trading and investment accounts, and amounts held in trust by or administered by third parties, including but not limited to operating accounts, working capital, forfeiture funds and reserves for specific or general contingent liabilities.
- Schedules or worksheets identifying any allocation of "reserves" for contingent or future liabilities, including but not limited to, Other Postemployment Benefits (OPEB).
- All documentation, including but not limited to, work papers, schedules, memoranda, actuarial reports etc. that support the computation and funding of the OPEB liability (approx. \$14.5 million per the Commission's Annual Report) and projected future payments.
 - a. Provide an analysis of amounts allocable to services performed in New Jersey or attributable to New Jersey employees.

OTHER ASSETS OWNED/LEASED AND LIABILITIES

- Deeds and mortgages for any real property (land and/or buildings) owned by the Commission, as well as any current or pending contracts for purchase or sale of real property.
- Current and prospective lease/rental agreements, with all schedules and riders thereto, for all offices, warehouses, garages, storage space and any other real property located in New Jersey, including but not limited to, the premises at 1201 Corbin St., Elizabeth NJ 07201 (the Elizabeth Property) and 333 Thornall St, Edison NJ (the Edison Property).
 - Include information regarding any commitment to make leasehold improvements, or to acquire additional space.
- Inventory/spreadsheets identifying all tangible personal property (other than vehicles) owned or leased for use at the Elizabeth Property, the Edison Property and any other location in New Jersey. Such information shall identify whether such property is owned or leased, and include, but not be limited to, the following:
 - Office equipment
 - Garage equipment
 - Information technology and audio visual equipment, including but not limited to, computers/laptops, servers, laptops/ipads, teleconferencing equipment

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- Communications equipment, including but not limited to, radios, cell phones, phone systems, dispatch systems, etc.
- Any other equipment associated with licensing and registration operations
- Police/enforcement/investigation equipment including but not limited to, surveillance equipment, weapons, clothing, tactical gear, etc.
- Spreadsheets or other lists of all vehicles owned by, or leased by the Commission, for use in New Jersey, identifying whether or not the vehicle is owned or leased, make/model, year, purpose, assigned use (e.g. police, investigator, attorney) or unassigned, and the state where the vehicle is registered
 - For vehicles owned by the Commission, provide documentation of any amounts owed or financing agreements.
 - For vehicles leased by the Commission, include copies of lease agreements.
 - Summary of vehicle service performed by the Commission's auto mechanic for f/y/e June 30, 2021.
 - Mileage logs for assigned and pool vehicles for the preceding calendar year
- Identify software owned or licensed by the Commission for maintaining the longshoremen rolls, intelligence and investigation databases, background checks, billing/collecting/tracking employer assessments, license and registration applications and renewals, as well as any vendor agreements for licensing, programming, general IT support, servers/maintenance, cybersecurity and back-up.

CONTRACTS/LIABILITIES

- All contracts and vendor agreements (if not produced in response to the items above, including professional services contracts) to which the Commission is a party and which pertain to any property located in New Jersey or to services rendered in or pertaining to New Jersey.
- To the extent not provided in response to any item above, copies of notes, mortgages, loan agreements, lines of credit, outstanding bills and liabilities relating to any activities within New Jersey.
- Insurance policies with all amendments, schedules and riders thereto, for all real and personal property owned, leased or placed in service in New Jersey; such policies should include but not be limited to, general liability/umbrella coverage, property, fire, theft, automobile, workman's compensation, and the like.
- For all current Commission employees, provide:
 - a schedule identifying each employee's name, title, role/function, number of years employed by the Commission, salary and benefits; and
 - any contracts, memoranda, policies, plans and other documents pertaining to pensions, OPEB, reimbursements for personal use vehicles, meal/clothing allowances and other fringe benefits available to Commission employees that are paid by the Commission, including any

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schedules, spreadsheets or other payroll records indicating the value/amount of benefits currently available to each.

- For any prior Commission employee for whom there may be any future liability including but not limited to pension, OPEB, settlement payments, etc. because of the individual's employment with the Commission, identify the nature and amount of all such liabilities and any documentation pertaining to same.

OPERATIONS

- Current CBAs for the International Longshoremen's Association and New York Shipping Associates, and the 2013 Memorandum of Settlement of Local Conditions in the Port of New York-New Jersey (referenced in the Annual Report at p. 20).
- Number of applications received during f/y/e 2021 for all class of longshoremen, stevedores, pier superintendents and hiring agents, and the status of review/approval.
- Forms used for registration/licensing applications longshoremen, stevedores, pier superintendents and hiring agents; for each category, provide one completed application package, investigation/background check and approvals.
 - a. Provide information about any software or reporting portal or other method used by the Commission for processing and tracking of applications and renewals.
- Copy of current Longshoremen's registry and date of most recent update, identifying status of registration, ie. Permanent, temporary, probationary
- Number of telecommunication system controllers and union affiliations for each.
- All Memoranda of Understanding and Mutual Aid Agreements to which the Commission is a party, including but not limited to the Port Authority of New York and New Jersey, the US Customs and Border Patrol, the FBI, and any other federal or state and local agencies.
- All commissions, task forces, working groups and other partnerships (Stakeholder Group) in which the Commission participates, identifying those that relate to operations in New Jersey, including schedule/frequency of meetings, the Commission's role, and primary POC for the Stakeholder Group.
- Number and status of all legal matters pertaining to New Jersey, including but not limited to, pending petitions, hearings, appeals and any other lawsuits to which the Commission is a party; such information shall identify the venue, parties, counsel, and subject matter.
- Number and status of all pending civil and criminal investigations pertaining to New Jersey, identifying subject matter and key partners.