

State Emergency Response Commission Meeting
Friday, December 3, 2021
New Jersey Forensic Science Technology Center
1200 Negron Drive
Hamilton, NJ 08691

Minutes

The State Emergency Response Commission was called to order on Friday, December 3, 2021 at 10:00 AM, at the New Jersey Forensic Science Technology Center 1200 Negron Drive, Hamilton, NJ 08691. The meeting was held in accordance with Chapter 231 of the Public Laws Act of 1975. Notice of the meeting was sent to news media outlets via a press release on November 15, 2021 and posted on the New Jersey Office of Emergency Management (NJ OEM) and NJSERC Website (<https://nj.gov/njoem/serc/index.shtml>). The meeting commenced at 10:06 AM EST.

SERC Members in Attendance: DR: Designated Representative ALT DR: Alternate DR

Present in the room:

- Brian Beam, DR for Joseph L. Fiordaliso, President, NJ Board of Public Utilities (NJ BPU);
- Robert VanFossen, DR for Acting Commissioner Shawn LaTourette, NJ Department of Environmental Protection (NJDEP), SERC Co-Chairperson ;
- Robert Burd, DR for Commissioner Diane Gutterres-Scaccetti, Department of Transportation (NJ DOT);
- Major Scott Poulton, NJ OEM, ALT DR for Colonel Patrick J. Callahan, State Director of Emergency Management and Superintendent, New Jersey State Police (NJSP), SERC Co-Chairperson;
- Colonel Walter R. Gill, ALT DR for The Adjutant General (Interim) Colonel Lisa J. Hou, NJ Department of Military and Veteran Affairs (DMAVA);
- Karen Fox, DR for Commissioner Judith M. Persichilli, Department of Health (DOH);
- Kai Marshal-Otto, Counsel to the Acting Attorney General, DR for Acting Attorney General Andrew J. Bruck, Office of the Attorney General (OAG)

Participating remotely via phone:

- N/A

SERC Member Roll Call Confirms Quorum (As listed above)

Quorum confirmed by Robert VanFossen

Other Attendees:

- Andrew Reese, OAG
- Lieutenant Christian Dreyer, NJSP/NJOEM

- Mitzi Kaiura, DEP
- Lynn Amari, NJSP/NJOEM
- Sean Kielty, NJSP/NJOEM
- Andrew Reese, DOL
- Cindy Flagg, NJSP
- Brian Brown, John Walsh, Michael Kyle, Keven Townsend, Alejandro Polanco, Brian Stanker, Clint Pagano, Chris Boyle, Bill Craney, Christopher Warwick, Steven Axner, Fernando Torres, Dan Cunning, Chris Gesauldo, Jared Beatrice, NJSP/NJOEM
- Charles Ambio, NJOHSP
- Wayne Lalicon, DOT
- Charles Murtaugh and Brenden Stell, Gloucester County OEM
- Debra Coyle, WEC

Call to Order

Director Robert VanFossen called the meeting to order, welcomed all in attendance and read the Open Public Meetings Act statement.

Consideration of Minutes of April 29, 2021

Director VanFossen noted that the Minutes from the April 29, 2021 meeting were distributed to SERC Commission members for review on November 15, 2021 via email. Director VanFossen asked what changes were required. Hearing none, he then requested a motion to approve these Minutes. A motion to approve the minutes was made by Brian Beam, which was duly seconded by Colonel Gill. All members were in favor of the minutes and unanimously approved them at 10:12 AM EST.

Co-Chair Reports:

1. Director Robert VanFossen (NJDEP) reported on the following:
 - a. The SERC and co-chairs conducted significant stakeholder outreach over the last 6-9 months in terms of the roles and goals of the SERC and the need for compliant Emergency Response Plans (ERP). Stakeholder outreach included presentations at the Emergency Preparedness Conference in May of 2021 and the League of Municipalities in November 2021.
 - b. The SERC also researched platforms for storing various data to determine the best balance between secure and accessible platforms for the stakeholders to review said data. The SERC also discussed EPCRA with other states (Delaware, Michigan and Pennsylvania) to identify “best practices” and “lessons learned.”
 - c. The Training Working Group (TWG) has also made significant progress as well over the last 6 months.
2. Major Scott Poulton (NJOEM) reported on the following:
 - a. Major Poulton had the opportunity to conduct outreach at the National Emergency Management Association (NEMA) Conference, as commanding officer of NJOEM, on behalf of Col Callahan, from June 29-July 1, 2021 in Lexington, Kentucky. He also liaised with the Georgia Office of Emergency Management

Director James C. Starlings, which led to key contacts for the planning working group.

- b. On October 12-15, 2021 he attended the NEMA Annual Conference in Cleveland, OH, where he had additional discussions about SERC with State Directors and representatives from Delaware, Pennsylvania and Michigan.
- c. At NEMA, Major Poulton was introduced to Brenda Roost, a civilian Director who oversees SERC and Private Sector Engagement, for Michigan State Police. She is also a SARA Title III Planner. She has agreed to assist NJ with its planning efforts.
- d. Based on all of our outreach, it appears that the challenges faced in NJ are not unique to New Jersey, but occur nationwide.
- e. On October 19, 2021, Major Poulton met with CCA President Brayden Fahey in Hunterdon County.
- f. On November 23, 2021, Captain Collins and Major Poulton met with the NJOEM County Coordinators Association Executive Board at the ROIC to discuss SERC and EPCRA compliance, and to provide them with some insight as to our plans moving forward at both county and local levels. Major Poulton also specified that feedback is critical to growth of these offices into the future.

Old Business:

1. Report from Planning Working Group - Lieutenant Christian Dreyer, NJSP, see attached report PWG Testimony 12032021.
2. SFC Daniel Cuning, Assistant Unit Head of the Training and Exercise Unit, NJSP, see attached report SERC TWG Testimony 12032021.
3. Litigation Update – DAG Andrew Reese – Settlement negotiations of a lawsuit filed against SERC has reached an impasse. The NJ OAG is filing a motion for summary judgment on December 23, 2021. Both Plaintiff and the SERC must submit their briefs prior to another conference to be scheduled in late January or early February 2022. Motion practice may resolve case either by dismissal, or ruling for plaintiff, which would advance the case to trial. Other topics can be discussed in executive session.

Closed Session:

At approximately 10:36 AM EST, the SERC adopted a resolution by unanimous consent to enter a closed session pursuant to N.J.S.A. 10-4-12(b)(7) to discuss WEC litigation with DAG Kai Marshal-Otto and other confidential content from which the public is excluded. The SERC returned to open session at 11:11 AM EST

New Business

1. At 11:11 AM EST the quorum of commission members returned from closed session. Director VanFossen announced that copies of the training and/or planning working group reports will be made available upon request.
2. Major Poulton noted that there have been many SERC-related activities over the last six months, including NJOEM's application for, and receipt of, the 2021 FEMA grant for EMPG based on the America Rescue Plan Act efforts to bring on planners to assist with

planning for “all-hazards.” This will enable NJOEM to help both the counties and local municipalities with the emergency management challenges they face as a result of staffing shortages that have prevented them from formalizing their emergency management plans. The grant will fund the hiring of up to 6 planners to assist the Emergency Response Bureau (ERB) regionally with planning including “all-hazards” including ERPs.

3. The NJOEM request for the development of work plans with the ERB on how best to utilize these contract planners was made. The planning work group was tasked to perform a review of all LEPC and ERPs in anticipation of being able to redistrict and prepare a pilot program for the counties to review and produce ERPs at the county level.
4. Based upon recommendations from the planning working group, ERB has been authorized to update the ERP template.
5. Director VanFossen noted the outstanding progress has been made during the last six months with respect to both the training and planning working groups. With regard to the training working group specifically, Director VanFossen noted that the April report, which included best management practices, and development of training and exercise standards, is a particularly remarkable accomplishment.
6. The SERC authorized continued outreach to emergency managers, elected officials and others through the League of Municipalities and other associations.
7. 2022 meeting dates were proposed (April 20, 2022, and October 19, 2022, at the Forensic Science Technology Center)

Items Scheduled for Voting and Vote:

1. Major Poulton proposes the following for a vote:
 - a. LEPC tabletop exercise schedule to meet the criteria for EPCRA and explore grant funding as a way to promote training and exercise throughout the state.
 - b. Outreach standard forums are very productive, providing feedback that is beneficial at county and local levels. We are asking that the SERC authorize continuing SERC outreach to elected officials, the League of Municipalities, the NJEPA Conference and/or any other similar association or organization to promote EPCRA compliance.
 - c. While these two outreach groups currently in operation provide good representation for the SERC, they cannot cover the entire State of New Jersey. The SERC wants to explore other groups. We are particularly interested in outreach to other communities that are underserved, and are asking for authorization that is flexible enough to represent the SERC at various stakeholder forums.
 - d. Proposing meeting dates for 2022 (Wednesday, April 20, 2022, and the following one will occur on Wednesday, October 19, 2022).
2. This concludes Major Poulton’s proposals for a vote.
 - a. Questions?
 - b. Debate?
 - c. None.
3. The SERC unanimously voted to: approve the LEPC tabletop exercise, continue current stakeholder outreach, and expand outreach to other stakeholders and traditionally underserved communities at the SERC’s discretion.
4. Brian Beam moved to accept the 2022 Meeting dates, seconded by Fox, all in favor of the

proposed dates with no one opposed.

5. Only members of the public who appear on the sign-up sheet will be permitted the opportunity to comment, and comments are limited to 3 per person. Also, comments will not be responded to during this session.

Public Comment:

None.

Next Meeting

Director VanFossen announced that the date for the next SERC meeting is April 20, 2022 at the New Jersey Forensic Science Technology Center 1200 Negron Drive, Hamilton, NJ 08691. There were no objections to the date.

Adjournment

The quorum indicated it had nothing else to add. Major Poulton thanked all members of the Commission for their participation. Given that there was no further business, a motion was made by Brian Beam, and duly seconded by Dana Johnson to adjourn the meeting. The meeting was adjourned at 11:48 a.m.

Respectfully submitted,

Sean Kielty
Acting Notetaker