

State Emergency Response Commission Meeting
Friday, October 27, 2023
New Jersey Forensic Science Technology Center
1200 Negron Drive
Hamilton, NJ 08691

Minutes

The New Jersey State Emergency Response Commission (NJSERC) was called to order on Friday, October 27, 2023, at 10:00 AM EDT, 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 September 29, 2023, and posted on the New Jersey Office of Emergency Management (NJOEM) and NJSERC Websites (<https://nj.gov/njoem/serc/index.shtml>).

Call to Order by Director Van Fossen

The meeting commenced promptly at 10:00 AM EDT.

Roll Call:

The Secretary called the roll.

Present in the room:

DR: Designated Representative; ADR: Alternate Designated Representative

- James Bruncati, DR for Christine Guhl-Sadovy, President, New Jersey Board of Public Utilities (NJ BPU);
- Bruce Tynan, DR for Jacquelyn A. Suarez, New Jersey Department of Community Affairs Commissioner, (NJ DCA/DFS);
- Robert Van Fossen, DR for Commissioner Shawn LaTourette, New Jersey Department of Environmental Protection (NJDEP) NJ SERC Co-Chairperson;
- Colonel Yvonne L. Mays, DR for Brigadier General, The Adjutant General, Lisa J. Hou, New Jersey Department of Military & Veterans Affairs (NJDMVA);
- Lieutenant Colonel Christopher DeMaise, NJ OEM, DR for Colonel Patrick J. Callahan, State Director of Emergency Management and Superintendent, New Jersey State Police (NJSP), NJ SERC Co-Chairperson;
- Christina Brandt-Young, Senior Counsel to AG, DR for Attorney General Matthew J. Platkin, Office Attorney General (OAG);
- Charles Ambio ADR for Laurie Doran, Director, New Jersey Office of Homeland Security and Preparedness (NJOHSP);

- Elizabeth Falcon, ADR for Commissioner Diane Gutierrez-Scaccetti, New Jersey Department of Transportation (NJDOT).

Not present in the room:

- No SERC Member present for New Jersey Department of Health (NJDOH)
*[Note: 8 of the 9 voting members were present in the room for a quorum]

Members of the Public in Attendance:

- Please refer to sign-in sheets on file

SERC Member Roll Call Confirms Quorum (As listed above)

Quorum confirmed by Director Van Fossen.

Consideration of Minutes of April 28, 2023

Consideration of minutes from the last meeting were provided to SERC in advance of this meeting on September 18, 2023.

- Director Van Fossen inquired as to whether any changes or questions regarding these notes.
- Hearing none, Director Van Fossen made a motion to approve minutes.
 - Motion – Bruce Tynan, NJDCA
 - Second – Christina Brandt-Young, OAG
 - In favor – All
 - Opposed – None
 - Motion carried unanimously
- Eight (8) members of the SERC approved the minutes, with none opposed.
- With 8 votes the minutes were approved.

Co-Chair Reports:

Director Van Fossen, NJ Department of Environmental Protection (NJDEP) Emergency Management (EM) Program indicated that the SERC has been very active over the last 6 months.

- The members of the SERC met with USEPA, NJOEM Training and Exercise Unit, and County OEM reps to discuss conducting several EPCRA Tabletop Exercises in early 2024. Lt Dan Cuning will provide details in his brief on the Training Work Group's activities.
- NJDOH, NJDEP, and counties (Gloucester and Camden) continue to test an update to the State's existing Right-to-Know Portal platform for EPCRA facilities to make it more user friendly.
- Through the coordination and effort of Gloucester County and the Division of Fire Safety, all EPCRA facilities will be required to provide their on-site Emergency Response Plan (ERPs) to the code inspectors under the State Fire Code.

Lieutenant Colonel DeMaise commented on the remarkable progress of the SERC during the prior year.

- We've been making remarkable progress in supporting planning at the county level. The contractors have been working with the counties to assist with outreach and the planning process for new Emergency Planning Districts. Currently, they have completed the ERP drafts for all 21 counties.
- Our designated districts have continued to take the necessary steps toward meeting their primary responsibilities as Emergency Planning Districts. Our newly created districts of Burlington, Cumberland, Hunterdon, Monmouth, Salem, and Sussex Counties have formed Local Emergency Planning Committees (LEPCs), developed and approved Emergency Response Plans, and worked with their governing bodies to obtain any necessary resolutions.
- NJOEM continues to reach out to local Offices of Emergency Management (OEMs) about SERC activities and to educate them about Executive Order 284. Members of the SERC look to present at the NJ Emergency Preparedness Conference in April 2024.
- Contractual staff are finalizing a job tool and Frequently Asked Questions (FAQs) to assist LEPCs with the planning process and maintenance of their Emergency Response Plans going forward.

There were no initial questions from the other SERC members after the completion of the co-chair reports.

Old Business:

1. Report from Planning Working Group (PWG) - Lieutenant Gregory Godish, Emergency Response Bureau (*See Notes*)
2. Report from Training Working Group (TWG) – Lieutenant Daniel Cuning, Training and Exercise Unit Head, NJOEM (*See Notes*)

Closed Session:

Director Van Fossen sought unanimous consent to pass the following resolution to go into closed session:

RESOLUTION OF THE NEW JERSEY STATE EMERGENCY RESPONSE COMMISSION (SERC) AUTHORIZING ENTRY INTO CLOSED SESSION PURSUANT TO N.J.S.A. 10:4-12(b)(7)

Hearing no opposition by any member, the resolution was approved by unanimous consent and the SERC went into closed session.

Return to Open Session:

The SERC returned to open session.

New Business:

- Lieutenant Colonel DeMaise: Tasking for the Planning Working Group (to report back at the April 19, 2024 meeting)
 - Continue to work with 3 counties and other political subdivisions to be designated as Emergency Planning Districts and oversee planning contractors.
 - Work with newly created districts to ensure LEPC and off-site ERPs are approved within 180 days of being designated a district.
 - Continue to work with DEP and DOH Community Right-to-Know (CRTK) on database functionality.
 - Finalize and publish FAQs and other job tools for the LEPCs to assist with plans and planning.
 - Provide technical assistance / tracking of review of LEPCs and off-site ERPs by NJSP – ERB. Complete the compliance tracking dashboard.
 - Provide assistance and guidance to any existing or new planning districts for compliance purposes.
- Director Van Fossen – Tasking for the Training Working Group (to report back at the April 19, 2024 meeting)
 - Report back on the delivery of the 3 regional exercises in Burlington, Gloucester, and Middlesex counties.
 - Continue to leverage funding to facilitate exercise planning and delivery with other emergency planning districts.
 - Continue to deliver training to emergency managers that include EPCRA requirements.

None of the SERC members had any additional comments/questions for new business.

Items Scheduled for Voting:

1. Approval of Settlement of Lawsuit

Lieutenant Colonel DeMaise discussed the proposed settlement entailing the payment of \$92,500 to settle the Plaintiffs' claims for attorney's fees and litigation costs, Plaintiff's consent to refrain from suing the SERC for three years, and dismissal of the lawsuit.

2. Approval of County-based Emergency Planning Districts

Lieutenant Colonel DeMaise discussed the approval process for the county-based emergency planning districts which has been done in collaboration with county and local stakeholders. He noted that the full text of the resolution would be read for Hudson County, and a separate vote would be held for each of the five (5) counties ready to be designated as county-based districts, under the assumption that the resolution is the same except for the substitution of the county name:

- Hudson County

- Middlesex County
- Morris County
- Somerset County
- Union County

3. Approval of SERC Meeting Dates for 2024

Proposed dates: April 19, 2024 and October 25, 2024

An opportunity for open discussion and debate was provided to the SERC members; no further questions or comments were made. Accordingly, the SERC proceeded with the voting.

Vote

1. Settlement of Lawsuit

Lieutenant Colonel Christopher DeMaise asked if there was a motion by any Member to vote upon the settlement proposal regarding the NJ Work Environment Council (WEC) lawsuit. The proposal for settlement entails the payment of \$92,500 by the State to settle the Plaintiffs’ claims for attorney’s fees and litigation costs, contingent upon the Plaintiffs dismissing the lawsuit and agreeing not to sue the SERC or its members under the EPCRA for a period of three years from the date the settlement agreement is formally executed.

- Motion – Robert Van Fossen, NJDEP
- Second – Christina Brandt-Young, OAG
- In favor – All
- Opposed – None
- Motion carried unanimously

2. County-based Emergency Planning Districts

Lieutenant Colonel DeMaise asked the Members to make a motion and hold a vote, respectively, for each of the counties being considered as a county-based Emergency Planning District. The Resolution for Hudson County was read as an example of the Resolution being voted upon for each of the proposed districts.

- HUDSON COUNTY
 - Motion – Charles Ambio, OHSP
 - Second – Bruce Tynan, NJDCA
 - In favor – All
 - Opposed – None
 - Motion carried unanimously

- MIDDLESEX COUNTY
 - Motion – Charles Ambio, OHSP
 - Second – Christina Brandt-Young, OAG
 - In favor – All
 - Opposed – None
 - Motion carried unanimously
- MORRIS COUNTY
 - Motion – Robert Van Fossen, NJDEP
 - Second – Christina Brandt-Young, OAG
 - In favor – All
 - Opposed – None
 - Motion carried unanimously
- SOMERSET COUNTY
 - Motion – James Bruncati, BPU
 - Second – Christina Brandt-Young, OAG
 - In favor – All
 - Opposed – None
 - Motion carried unanimously
- UNION COUNTY
 - Motion – Charles Ambio, OHSP
 - Second – Christina Brandt-Young, OAG
 - In favor – All
 - Opposed – None
 - Motion carried unanimously

3. SERC Meeting Dates for 2024

- Director Van Fossen asked a member of the SERC to make a motion to vote Friday, April 19, 2024 and Friday, October 25th, 2024, as the dates of next year’s SERC meetings.
 - Motion – James Bruncati, BPU
 - Second – Charles Ambio, OHSP
 - In favor – All
 - Opposed – None
 - Motion carried unanimously

Public Comment:

None.

Next Meeting:

The SERC meeting is scheduled Friday, April 19, 2023, 10 AM EST, at New Jersey Forensic Technology Center, 1200 Negron Drive, Hamilton, NJ 08691.

Adjournment:

- Robert Van Fossen requested a motion for Adjournment
 - Motion – Christina Brandt-Young, NJOAG
 - Second – Bruce Tynan, NJDCA
 - In favor – All
 - Opposed – None
 - Motion carried unanimously

The meeting was adjourned at 10:45 AM EDT.

Respectfully submitted,
Alex Ruffalo
Acting Recording Secretary