

State Emergency Response Commission Meeting  
Thursday, April 29, 2021  
New Jersey Forensic Science Technology Center  
1200 Negron Drive  
Hamilton, NJ 08691

Minutes

The State Emergency Response Commission was called to order on Thursday, April 29, 2021 at 10:00 a.m., 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 April 13, 2021 and posted on the NJSERC Website.

**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 (NJBPU);
- Robert Burd, DR for Commissioner Diane Gutierrez-Scaccetti, Department of Transportation (NJDOT);
- Bruce Tynan, DR for Dept. of Community Affairs Commissioner Lt. Governor Sheila Y. Oliver (NJDC/DFS);
- Robert VanFossen, DR for NJ Department of Environmental Protection (NJDEP) Acting Commissioner Shawn LaTourette, SERC Co-Chairperson;
- Major Scott Poulton, New Jersey Office of Emergency Management (NJOEM), Alt DR for Colonel Patrick J. Callahan, State Director of Emergency Management and Superintendent, NJSP, SERC Co-Chairperson;
- Dana Johnson, ALT DR for NJ Department of Health Commissioner (NJDOH) Judith M. Persichilli; and
- Mary Beth Wood, SDAG, Office of Attorney General (OAG), DR for Attorney General Gurbir S. Grewal.

Participating remotely via phone:

- Brigadier General Patrick M. Kennedy, DR, for NJ Department of Military and Veteran Affairs (DMAVA), The Adjutant General (Interim) Colonel Lisa J. Hou

**SERC Member Roll Call Confirms Quorum (As listed above)**

**Other Attendees:**

- Christopher Mehan, NJDEP
- Jason Gaskill, NJDEP
- Andrew Reese, OAG
- Eric Tysarczyk, NJOHSP

- Jim Bruncati, NJBPU
- Captain Vincent Greene, Emergency Response Bureau, NJOEM
- Lieutenant Christian Dreyer, Emergency Response Bureau, NJOEM
- Lieutenant Vince Jackson, Emergency Response Bureau, NJOEM
- Lieutenant Christopher Boyle, Emergency Response Bureau, NJOEM
- Lieutenant Jared Beatrice, Emergency Response Bureau, NJOEM
- Sergeant First Class Sean Talty, Emergency Response Bureau, NJOEM
- Lynn Amari, Emergency Management Section, NJOEM, Acting Recording Secretary

### **Call to Order**

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

### **Consideration of Minutes of December 4, 2019**

Robert VanFossen noted that the minutes of the last meeting held on December 4, 2019, were distributed via email on April 22, 2021 to Commission members for review. Following a motion by Brian Beam, which was duly seconded by Mary Beth Wood, all members were in favor of the minutes and unanimously approved at 10:10 a.m.

### **Co-Chair Reports:**

1. Director Robert VanFossen reported on the following:
  - a. The SERC did not hold meetings in 2020 due to the COVID-19 response.
  - b. During April 2021, members of the SERC conducted outreach in the North, South and Central regions to gain a better understanding of issues/concerns facing LEPCs and impediments to completing LEPC Emergency Response Plans.
  - c. Members of the SERC also participated in a conference call with members of the Delaware SERC to obtain an understanding of best practices in Delaware.
2. Major Scott Poulton reported on the following:
  - a. Since his appointment to the SERC in December 2020, Major Poulton has been reviewing historical information concerning SERC activities, and has participated in discussions with stakeholders.
  - b. The NJSERC website has been updated for the new NJSP email address and links for hazmat training.
  - c. A discussion of future outreach and planning was deferred to the New Business portion of the agenda.

### **Old Business:**

1. Status of Pending Litigation – Andrew Reese, DAG provided an update of the pending legislation with the Work Environment Council (WEC)
  - a. Discovery was exchanged
  - b. Settlement discussions have stalled

- c. Major Scott Poulton and Captain Pat Gorman (NJSP – Retired) were deposed
- d. Next steps include possible resumption of settlement talks and a motion for summary judgment.
- e. A trial may be required.

**Closed Session:**

At approximately 10:35 a.m., the SERC adopted a resolution on unanimous consent to go into closed session pursuant to N.J.S.A. 10-4-12(b)(7) to discuss the WEC litigation with DAG Reese. SERC returned to open session at approx. 11:00 a.m.

**New Business:**

1. Christopher Mechan, NJDEP Bureau of Local and Environmental Right to Know gave a presentation about the NJ Worker and Community Right to Know Law and the federal EPCRA requirements. Presentation materials are attached.
  - a. Information is submitted by reporting facilities to NJDEP and stored in an internally developed website, where is it available for review to first responders who have requested permission to access the information. The site was closed to the general public after 9/11.
  - b. Facilities are also required so send the information to the applicable LEPC and fire department.
  - c. Information is subject to OPRA; determination is made on a case-by-case basis.
  - d. Mary Beth Wood requested that NJDEP forward a blank survey form to OAG for review.
2. Major Scott Poulton provided a status update, and an overview of planning and training needs
  - a. Now that the COVID response is easing up, SERC members are re-focusing efforts on LEPCs and ERPS with a goal to be more efficient and effective.
  - b. Recent stakeholder outreach meetings were conducted with Newark OEM; Union County OEM; and Gloucester County OEM along with personnel from four cities that have EPCRA reporting facilities.
  - c. The SERC also spoke with Delaware to understand how it organizes and funds LEPCs.
  - d. Common concerns identified from discussions with NJ stakeholders include:
    - i. Staff turnover and loss of expertise;
    - ii. Current focus on all hazards planning instead of sole focus on chemicals;
    - iii. Confusion regarding EOPs and ERPs (both municipal and facility) and the distinction between requirements for LEPCs v. emergency management councils per the Disaster Control Act;
    - iv. Homeland security concerns about the information being released and to whom it may be released.
  - e. These discussions and concerns, as well as the need to train SERC member agency personnel, LEPC members and NJOEM Emergency Response Bureau personnel, can best be addressed by the establishment of a Planning Working Group and a Training Working Group.

**Items Scheduled for Voting and Vote:**

1. Major Scott Poulton proposed that the SERC establish a Planning Working Group chaired by NJOEM and NJDEP to address LEPC compliance and best practices. The group would have diverse stakeholder representation and report back to the SERC at the next meeting.
  - a. Following a motion by Mary Beth Wood, which was duly seconded by Robert VanFossen, after discussion and debate, all members voted to approve the formation of the Planning Working Group chaired by NJOEM and NJDEP.
2. Major Scott Poulton proposed that the SERC establish a Training Working Group chaired by NJOEM and NJDCA/DFS to facilitate training for LEPCs and SERC member agencies, to ascertain if all training and exercise requirements are being satisfied and to enhance exercise compliance. This group should also have diverse stakeholder participation including NJOHSP, NJDEP Right to Know personnel and NJOEM's Training and Exercise Unit and HazMat Response Unit. The Training Working Group will report to the SERC at the next meeting.
  - a. Following a motion by Mary Beth Wood, which was duly seconded by Robert Burd, after discussion and debate, all members voted to approve the formation of the Training Working Group chaired by NJOEM and NJDCA/DFS.
  - b. Major Poulton noted that NJOEM and NJDEP intend to conduct training for SERC member agency personnel, LEPCs and others at the upcoming NJ Emergency Preparedness Conference in September, as well as the League of Municipalities Conference.

**Public Comment:**

None.

**Next Meeting:**

Robert VanFossen announced that the date for the next SERC meeting is December 3, 2021 at the New Jersey Forensic Science Technology Center 1200 Negron Drive, Hamilton, NJ 08691. There were no objections to the date.

**Adjournment**

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,

Lynn Amari  
Acting Recording Secretary