

EXHIBIT “B”

PORTSIDE TOWERS SECURITY ASSESSMENT

Prepared by

W. Greg Kierce, Director, DPP

Jersey City Office of Emergency Management & Homeland Security

Assessment Dates: March 12, 2025/April 7, 2025

Report Date April 10, 2025

EXECUTIVE SUMMARY

This security assessment was conducted as per direction of Jersey City Business Administrator John Metro to determine compliance with Jersey City Ordinance 24-055 associated with Uniformed Security Services at Portside Towers East (155 Washington Street) and Portside Towers West (100 Warren Street), two separate residential high-rise residential structures owned by Portside Towers Corp. (PTC) and managed by Equity Residential Management, LLC. Equity Residential is one of the largest publicly traded real estate investment trusts in the United States.

This report will detail findings based on interviews with Kevin Weller, President, Portside Towers East Tenant Association and Michele Hirsch, President, Portside Towers West Tenants Association conducted on March 12, 2025 and with Equity Residential employees Sophia Sugarman, Community Manager, Steven Bhajan, Community Service Director, and Derrick McMaster, Regional Manager all employees conducted on April 7, 2025.

PROPERTY INFORMATION

Building Specifications and Layout

Portside Towers consists of two separate and distinct residential buildings:

1. **Portside Towers East** (155 Washington Street)
 - o 295 residential units
 - o 25 floors of residential space (**no 13th floor**)
2. **Portside Towers West** (100 Warren Street)
 - o 232 residential units
 - o 17 floors of residential space (**no ground floor units; no 13th floor**)

INTERVIEWS

On Wednesday March 12, 2025 @ 11:00am I conducted interviews of Kevin Weller and Michele Hirsh at Mr. Weller's residence, 155 Washington Boulevard, Apt. 2102.

During this interview they related the following information.

Mr. Weller cited the following security incidents between January 2024 and February 2025 related to resident safety:

Major Security Incidents

1. Active Shooter Incident (June 13, 2024)

A bullet penetrated a 19th-floor apartment window at Portside Towers East.

2. Violent intruder Incident (November 2024)

A non-resident man who had just assaulted a young woman nearby entered Portside Towers' unsecured lobby. The bleeding victim ran into our building seeking refuge, with her attacker in pursuit.

3. Death Threat Incident (November 5, 2024)

A tenant received a death threat from an individual in a car parked just outside the building. A police report was filed, but without security personnel to patrol the building perimeter, monitor suspicious individuals, or provide a visible deterrent, residents remain vulnerable to such threatening behavior.

4. Fire and Flooding Emergency (August 7, 2024)

Contractors improperly installing a washer in the West Tower caused flooding and ignited a fire. Without on-site security or building personnel:

- Residents had no immediate point of contact during the emergency
- There was no coordination of evacuation efforts
- First responders had no building representative to assist them
- Residents were forced to contact an off-site call center with limited effectiveness
- The response was substantially delayed, increasing property damage

5. Lobby Disturbance Requiring Police Response (December 2024)

Two unruly non-residents entered the lobby and caused a major disturbance. With no security guard on site to handle the situation, residents had to call 911. Multiple JCPD officers responded to defuse the disturbance, diverting critical public safety resources that could have been needed elsewhere.

Beyond these major incidents, they have alleged the following security failures including:

- **Unmanned Lobbies:** Multiple documented instances of completely unattended building entrances during both day and night hours
- **Broken Security Access Points:** Residents have documented at least 14 separate instances since January 2024 where courtyard doors, garage entrances, and building access points were found unlocked, propped open, or with non-functioning locking mechanisms
- **Unauthorized Entry:** Strangers gaining access to secure areas without challenge. Without security personnel, delivery personnel, contractors, and others routinely access residential floors without proper verification or authorization
- **Order of Protection Violation:** Failure to properly implement security protocols for a resident with an Order of Protection against a potential threat. Without security personnel, there is no one to recognize prohibited individuals or enforce these critical legal protections
- **Undelivered Emergency Notifications:** Critical security information not reaching residents.
During incidents, there has been no system for communicating emergency information to residents
- **Parking Garage Vulnerability:** The parking garage door has repeatedly malfunctioned and remained open for extended periods allowing unrestricted access to the entire complex. In one documented instance in January 2025, the garage door remained completely non-operational for 17 days
- **Unsecured Korean War Memorial Access Path:** Ordinance 07-153 Section VII specifically requires "the vehicular access lane on the westerly side of the former Washington Street shall be closed and chained between 8:00 p.m. and 8:00 a.m. each day by PTC's security personnel." This requirement is consistently violated because there are no security personnel to implement it

INTERVIEWS

On Monday April 7, 2025 at 11:15 am I conducted interviews of Equity Employees Sophia Sugarman, Community Manager, Steven Bhajan, Community Service Director and Derrick McMaster, Regional Manager in first floor conference room located at 155 Washington Street. During this interview, A Site Security Assessment Report (Exhibit A) was completed with the assistance of all parties.

I advised all, that I previously had conducted interviews with tenant representatives who detailed a number of incidents related to facility security and the need for uniformed security officers. Ms. Sugarman that management had preferred using the services of a "Concierge" as opposed to a uniformed security officer as they provide a more resident hospitality and service environment in addition to performing security/front desk duties. I question as to the training a Concierge received related to their positions to which Mr. McMaster advised training is conducted on an on-line training portal identified as Grace Hill. A review of the Grace Hill web page revealed the training offered is largely web based designed for multifamily and commercial property management companies. Further review revealed no specific training related to "Concierge/Security Officer positions.

I then requested information related to the Emergency Action Plan (EAP) and the Fire Safety Manager. Mr. McMaster advised that tenants receive information related to the EAP during their on-boarding process and that Steven Bhajan duties included being the Fire Safety Manager.

I questioned Mr. Bhajan as to his qualifications and his possessing a Jersey City Fire Safety Manager certificate as per City Ordinance. He replied that he recently moved from New York and that he was in the process of obtaining the required certificate. He further indicated that he was a resident of the complex and was available during regular and off hours should a fire incident occur. In his absence, Ms. Sugarman stated either she or another member of the management staff would be available to assist.

We then discussed security systems and protocols related to the complex. Ms. Sugarman advised all units utilize a "Smart Lock system using key cards which is backed up with a key system. This system facilitates passage for residents throughout the complex including the parking garage. Once a resident vacates a unit their entry codes are immediately deleted from the system. We then moved onto CCTV capabilities. Ms. Sugarman advised CCTV coverage is limited to main entrance doors, driveway and the garage entrance. It is the responsibility of the Concierge to monitor CCTV cameras are monitored at the mail lobby desks. Interior cameras have recording capabilities which have a ninety-day retention schedule exterior cameras do not have recording/retention capabilities.

We then discussed the visitor management policy. Ms. Sugarman advised all visitors are required to report to the main lobby desk upon entering the complex. The Concierge would verify the resident they are visiting either by utilizing the internal portal which facilitates pre population of visitors or by contacting the resident.

Our discussion moved to the parking garage located on Warren Street just south of the intersection of Dudley Street and Warren Street. Ms. Sugarman advised in addition to providing parking for Port Side residents the garage is accessible to non-residents. Only residents with swipe cards can access the Portside Complex via the garage. She further advised the garage did not have any CCTV surveillance cameras on the interior floors.

We then discussed security issues previously raised by Mr. Weller and Ms. Hirsch. Ms. Sugarman acknowledged that although several incidents had occurred, as a whole the complex provides a safe and secure environment for residents and that the management team responds to concerns and initiates corrective action when needed.

FINDINGS

The idea of a Concierge is one that has become increasingly popular in recent years, with many residential sites offering this service to their residents. Concierges, most commonly are often seen as personal assistants for residents.

The question is can a Concierge perform the duties of a Security Guard?

A security guard can act as a concierge, but a concierge cannot perform security guard duties. A security guard is responsible for protecting property, patrolling the area, and reporting any suspicious activity. The main difference between the two is that while a security guard protects property by patrolling an area and reporting any suspicious activity to superiors; a concierge spends most of his time engaged with residents.

In furtherance of this matter, I contacted the New Jersey State Police Private Detective Unit speaking to Lt. Al DeVincentis and SFC Ismaile Ahmadi. I inquired as to the requirements under the New Jersey Security Officer Registration Act (SORA) related to a Concierge performing the duties of a security officer. They referred me to section **C.45:19A- Registration required for security officers, 4.a No person shall be employed as, or perform the functions and activities of a security officer unless that person is registered with the Superintendent as required in this section. Any person who violates the provision of this section shall be guilty of a crime of the fourth degree.**

While interviewed, Community Manager Sophia Sugarman, indicated that Concierge's provide a more residential hospitality and service environment in addition to performing security/front desk duties which is contrary to Jersey City's Municipal Code Chapter 218-1 requiring uniformed security in buildings with 100+ units.

Recognizing enforcement gaps, the Jersey City Council unanimously strengthened these requirements through Ordinance 24-055 (June 2024), with amendments that directly address situations like that at Portside Towers:

"Every owner or agent of an owner of a multiple dwelling of one hundred (100) or more dwelling units shall furnish a minimum of one uniformed security guard for each residential building in the property or community upon its premises twenty-four (24) hours a day, seven days a week".

The clarification that each building requires its own security guard closes any potential loophole that might have allowed a single guard to cover multiple buildings. This amendment passed unanimously (9-0) and was approved by Mayor Fulop in June 2024, demonstrating strong municipal commitment to these requirements.

The New Jersey Supreme Court upheld the constitutionality and enforceability of municipal security guard requirements in the landmark case *515 Associates v. City of Newark* (1993). The Court concluded that such ordinances have a "real and substantial relation" to public safety objectives and fall within the legitimate exercise of municipal police power.

This precedent confirms that Jersey City's security guard requirement is legally sound and enforceable. The Court recognized that on-site security personnel provide protection that cannot be adequately replaced by alternative measures. The legal requirements for uniformed security at both buildings are unambiguous, particularly following the 2024 ordinance amendment that explicitly requires security "for each residential building."

In a letter dated November 25, 2024 to the City of Jersey City Department of Public Safety from Derek D. Reed an attorney representing Portside he states” *Lobby concierge staff are present 24 hours per day, 7 days per week. The concierge on duty responds to residents’ concerns and monitors activity in and around the lobby area*”. (Exhibit B)

This statement is contrary to **Jersey City Municipal Code 218-2** indicating “*Each uniformed guard shall make periodic patrol inspection of the premises and shall undertake all actions necessary to assure the personal safety and privacy of the residents of each dwelling and their guests*”.

From an emergency management perspective, proper security personnel are essential components of disaster preparedness, emergency response, and overall community resilience. The physical layout of the complex makes it physically impossible for a single security guard to effectively monitor both buildings simultaneously, as required by the municipal code.

Uniformed Security guards perform services that technology can't such as keeping residents calm during an emergency. A security guard is also a reassuring sign that the association board and management take resident safety seriously. Their simple presence allows for peace of mind for everyone.

Investing in quality security equipment and in security guards sends a message to criminals that the building is off limits. If someone does try to gain access to the property, a security guard can act quickly to remove them from the property or call law enforcement.

In conclusion, it is clearly evident that Port Side/Equity Residential Management fails to meet compliance with Jersey City Ordinance 24-055 & Municipal Code Chapter 218-1 and their request for an exemption should be **DENIED**.

Respectfully Submitted



W. Greg Kierce, DDP

Jersey City Office of Emergency Management & Homeland Security

Attachments: Exhibit A. Property Configuration/Map
Exhibit B. Request for exemption letter
Exhibit C. Ordinance 24-055