

From: [Donna Dorgan](#)
To: [Tabachnick, Alan](#)
Cc: [Stevens, Karen](#); [Webster, Elizabeth](#)
Subject: Harsimus Branch Abandonment (Docket No. AB-167 (Sub-No. 1189X)) - Follow Up
Date: Thursday, October 19, 2023 6:39:54 AM
Attachments: [FULOP Jersey City director favored developer friends, ex-workers say - nj.com.pdf](#)
[FULOP \\$300K settlement on tap to end lawsuit targeting Jersey City - nj.com.pdf](#)

Hi Mr. Tabachnick,

I am asking that the STB to not abandon the Harsimus Stem. I am adjoining property owner and the abandonment and redevelopment of the Embankment will affect my quality of life, the air that I breathe and the integrity of my house which is in the Harsimus Cove Historic District.

We cannot trust the Jersey City politicians to do the right thing; the Fulop Administration is in bed with the developers. I am attaching two articles about corruption in Mayor Fulop's Planning Department. Once it is abandoned, the Embankment will be torn down and redeveloped. Once the new high-rises go up, the area will not be reclaimed for transportation.

It is important to keep the Harismus Stem available for potential light rail use. Rails to Trails would be much better than abandonment. The development of a rail trail would have less impact on my historic property than another 60 story high-rise apartment for Manhattan millionaires.

Thank you for your consideration.

Donna Dorgan
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Jersey City director favored developer friends, ex-workers say

Published: Nov. 01, 2017, 6:00 p.m.

By [Terrence T. McDonald](#) | [The Jersey Journal](#)



Anthony Cruz, wearing the green tie, listening to Mayor Steve Fulop's 2014 state of the city address. (Molly J. Smith | The Jersey Journal)

[By Terrence T. McDonald](#) | [The Jersey Journal](#)

A group of former and current city workers made stunning allegations about Jersey City Housing, Economic Development and Commerce Director Anthony Cruz during depositions taken in recent months as part of a harassment case against Cruz.

The former chief city planner said Cruz was so unqualified the planner wanted his entire division moved to a different department so Cruz would not be in charge. Two other planners said Cruz asked for projects to be sped through the approval process because he was friends

with the developers. Cruz's deputy director said Cruz told him he runs "everything" by political operative Tom Bertoli.

The depositions were attached to motions submitted to Hudson County Superior Court on Oct. 20 in the ongoing harassment case, filed two years ago by city worker Dan Wrieden, who alleges Cruz harassed him and improperly demoted him. It is the same case that led to depositions revealing the existence of a voicemail that includes what sounds like an attempt by city officials to steer a city contract to a favored company in February 2014.

The allegations in the new depositions threaten to further tarnish Fulop's reputation as a political reformer, which he spent eight years cultivating while on the City Council, at the same time he is asking voters to grant him a second term. He faces one challenger on Nov. 7, attorney Bill Matsikoudis. Both men are Democrats.

The mayor has alleged the depositions in the Wrieden case were released to tarnish him politically in advance of Election Day. The Wrieden lawsuit has not gone to trial yet (the city has asked a judge to toss the case).

City spokeswoman Jennifer Morrill declined to comment for this story.

A request for comment from Cruz, a former deputy mayor appointed by Fulop to his current post in August 2013, was not returned. In his own deposition, Cruz denied that his developer friends received special treatment and described his relationship with Bertoli as merely "cordial." He said he demoted Wrieden, a historic preservation specialist, because of "bad constituent service and a negative attitude."



Bob Cotter, the former city planner, speaking to a crowd in 2013. (Reena Rose Sibayan | The Jersey Journal)

'LOTS OF YELLING'

The planners deposed in the Wrieden case — Bob Cotter, who retired in April 2016 as the city's chief planner; Kristen Russell, who quit in April 2015; and Jeff Wenger, who retired in February — said they clashed with Cruz immediately after he assumed his role as HEDC director in August 2013.

All their comments below come from their depositions.

"He was a bully," Russell said. "He routinely insulted people in the office, name calling, making fun of people, yelling. Lots of yelling."

"There was a very hostile attitude towards planning staff," Wenger said. "He definitely sort of viewed us as the bad guys."

"I think he felt that we were know-it-alls and he didn't like it," Cotter said.

Cruz had not been leading the HEDC for a month before, the planners allege, he began acting in a way to favor developer friends of his.

City planners review applications for projects submitted by developers and, once the applications are complete, present them to the Planning Board for approval. In September and October of 2013, Russell said, Cruz told her to add applications to the Planning Board agenda that Russell said were not complete.

"He had buddies, and when his buddies had an application, we were supposed to move on it," Russell said.





Cruz shakes hands with Fulop's sister in law in 2014. (Molly J. Smith | The Jersey Journal)

'ANTHONY IS BY NATURE HELPFUL'

Regarding a project on York Street, Wenger said Cruz "wanted us to expedite that application to the greatest extent possible."

"And the only real reason he provided for us doing so was that, hey, we're friends," he said.

The developer of the York Street project was Sham Agarwal, one of a handful of developers mentioned in the depositions. Russell said another Agarwal project on Seventh Street was "taken" from her after she told Cruz that proposed excavation would cause flooding.

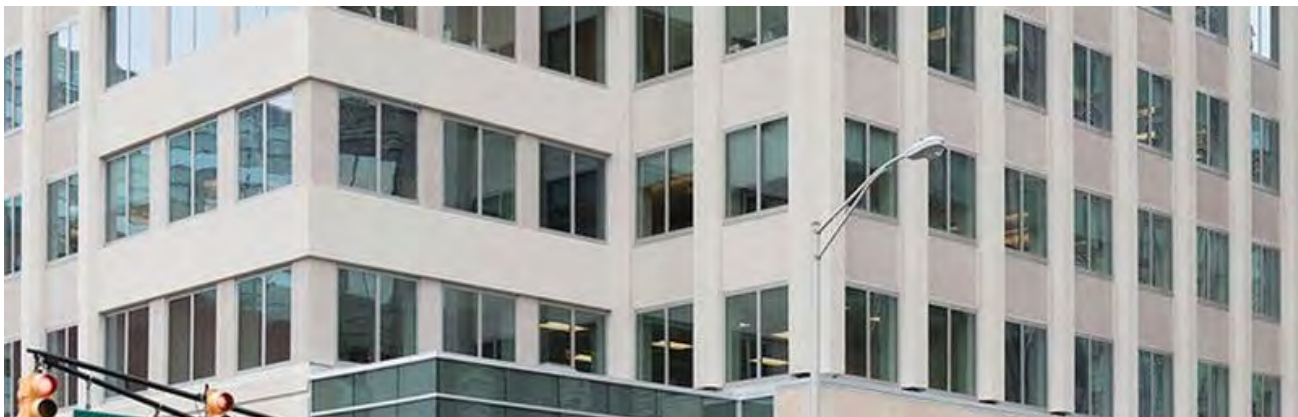
"He didn't like that I had a professional opinion that this was a bad idea," she said.

In his deposition, Cruz acknowledged he is friends with Agarwal but, when asked if he tried to get preferential treatment for Agarwal, Cruz said, "Absolutely not."

Agarwal, reached by phone, told The Jersey Journal Cruz "never" gave him special treatment.

"Anthony is by nature helpful to anybody, anybody and the people known to him, he gives them respect," Agarwal said.

In another deposition in the Wrieden case, James Madden, the deputy HEDC director, described Agarwal this way: "He comes in without signing in and then he goes in and sees Anthony all the time."





Jersey City's planning offices are located at 30 Montgomery St. (Reena Rose Sibayan | The Jersey Journal)

'YOU SHOULD THANK TOMMY'

Madden was transferred from the DPW to the HEDC in March 2015, he said in his Sept. 25 deposition, because a reporter began asking questions about the work habits of his predecessor, Shawn Thomas, then the Jersey City Democratic chair.

"We just got to make it look like the two of you flip-flopped ... that it was just a transfer," Madden said he was told by Fulop's chief of staff, Mark Albiez.

According to Madden, he doesn't do much as deputy HEDC director.

"I'm supposed to assist the director as his deputy director," Madden said.

"And what do you actually do?" Wrieden's lawyer, Gregory Noble, asked him.

"Nothing," Madden said.

"What do you mean by 'nothing?'" Noble asked.

"He didn't assign me any work. He doesn't talk to me. He ignores me. He doesn't give me any assignments," said Madden, who earns \$75,850 annually.





BERTOLI

Of the potential witnesses in the Wrieden case, Madden had the most to say about Bertoli, who was once Fulop's chief political operative (the two had a falling out last year about the time Fulop said he wouldn't run for governor). Bertoli works as a permit expeditor. Fulop's critics say Bertoli wielded outsized influence on planning matters after Fulop's election, which Fulop has denied.

Among Madden's claims: that Bertoli appeared to have access to a secure parking garage at 30 Montgomery St., where the city's planning offices are; that he believes Cruz told a developer seeking properties in Journal Square that he would "put him in touch" with Bertoli; and that Cruz told him Bertoli signed off on Madden's transfer to the HEDC. "You should thank Tommy for your — for this title" Madden said Cruz told him.

Wenger, asked about Bertoli in his deposition, said "Bertoli's presence increased after Cruz took office." He referenced a meeting about proposed changes to a redevelopment plan attended by Wenger, Bertoli and Cotter's immediate replacement, Maryann Bucci-Carter.

"Why was Bertoli there?" Noble asked.

"Good question," Wenger said.

Wenger has been spotted in recent days campaigning for Matsikoudis.

In his deposition, Cruz did not deny knowing Bertoli but characterized their relationship as "cordial" and casual.

"Outside the building, 'Hey, how you doing? How are you, kid?' That kind of stuff he says to me," Cruz said. "And I say, 'Oh, everything's good,' you know, and we walk away. But we don't hang out."

A request for comment from Bertoli was not returned.

The depositions aren't all bad news for Cruz. Cotter, questioned by the city's attorney, said

The depositions aren't all bad news for Cruz. Cotter, questioned by the city's attorney, said Cruz never did anything illegal, improper or immoral. Madden said he's not aware of any projects where Agarwal was given special treatment.

Fulop's name comes up only occasionally. Wrieden, in his deposition, recounted a conversation he had on July 24, 2013, less than a month after Fulop assumed office. Wrieden said Bertoli confronted him on Grove Street that evening about an Erie Street project that needed planning approval.

"Just approve it. You don't want the mayor to find out about this or there'll be trouble," Wrieden said Bertoli told him.

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\$300K settlement on tap to end lawsuit targeting Jersey City

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The council is scheduled to approve the settlement on Feb. 28. (Reena Rose Sibayan | The Jersey Journal)

By Terrence T. McDonald | The Jersey Journal

JERSEY CITY — Jersey City plans to shell out \$300,000 to settle a lawsuit that revealed some ugly allegations about Mayor Steve Fulop's administration in advance of last year's mayoral race.

The lawsuit, filed in 2015 by city worker Dan Wrieden, led to the disclosure of an old voicemail between two former top city officials that Fulop critics allege revealed a 2014 effort to steer a contract to a favored bidder. Fulop has said he knew nothing of that effort and halted the bid when he found out.

The lawsuit is also responsible for a handful of depositions of former city planners who made claims that the city favored certain developers over others.

Both the voicemail and the depositions were leaked in the final days of the Nov. 7 municipal contest, with mayoral challenger Bill Matsikoudis' campaign using the

municipal contest, with mayoral challenger Dan Matisiukous campaign using the revelations in an attempt to tarnish Fulop's reputation. The effort did not appear to resonate with voters: Fulop won re-election with 77 percent of the vote, a record-setting share of the vote.

The council is scheduled to approve the settlement at its Wednesday meeting. It discussed the case during a recent closed-door session and may go into executive session to discuss it again tomorrow.

Other than the dollar amount, it is not clear what the stipulations of the proposed settlement are. The city declined to provide the agreement in advance of the council vote.

Greg Noble, Wrieden's attorney, could not immediately be reached to comment.

Wrieden, a historic preservation specialist, alleged in the lawsuit that he was improperly demoted and harassed by Anthony Cruz, then the head of the city's planning, economic development and commerce department (Cruz was replaced last month).

Advertisement

As the case made its way through the courts, Noble deposed numerous current and former city officials. It had been scheduled to go to trial late last year.

In September, Noble deposed Bob Kakoleski, the city's business administrator, and Dominick Pandolfo, one of his aides, who described a voicemail Kakoleski received in February 2014 from Muhammed Akil, then the city's chief of staff, and Shawn Thomas, then Cruz's deputy. The recording, which Akil reportedly made in error when he called Kakoleski but forgot to hang up his phone when Kakoleski's voicemail picked up, lasts for 13 often-profane minutes, during which time Akil and Thomas discuss an energy contract the city had put out to bid.

Pandolfo said in his deposition he felt pressured by Thomas and Cruz to award the contract to a specific company, Good Energy. The depositions leaked in late September

contract to a specific company, Good Energy. The depositions leaked in late September, followed by the voicemail in late October. On the recording, Akil can be heard saying, "Good Energy is important to us." Kakoleski, in his deposition, said he canceled the energy contract bid after Pandolfo told him he felt pressured to award it to Good Energy.

Akil no longer works for the city. Thomas now works for the DPW.

Fulop has not discussed the contents of the voicemail or the depositions, saying he could not talk about them while the Wrieden case was ongoing.

The council meets tomorrow at 6 p.m. at 280 Grove St.

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