

**A ten year CASE STUDY to Expose Tyranny in Government**  
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**Synopsis:** Background, Design and Faulty and illegal Construction, Witnesses, Recommended Criminal Investigation, Abstracts of Laws, Chronology and an Analysis of regarding the Borough of Stanhope Block 10902 Lot 10 and Lot 12 Minor Sub-division 2 and 6 Oak Drive illegal development and Recommendations

Prepared by Thomas Caggiano, 10 East Drive, Stanhope, N.J. 07874 973-347-4354 Prior Address New Address 7086 Arcadia Glen Court, N. Las Vegas, Nv 89084 702-586-5768 email [thomas\\_caggiano@yahoo.com](mailto:thomas_caggiano@yahoo.com) fax 702-577-0097 Provided to OAL Judge James Geraphty, Newark and Richard A. Stein, Esq. during hearing wherein the corrupt executive Judge stated he was going to fine me \$21,000 and Mary Pawar, Kathryn Caggiano and Thomas Caggiano testified for 4.5 hours against Government Officials and developer Franklin Dawalt Jr. and Eleanor Dawalt owners of E.N.F. Development Co. LLC that illegally develop the minor subdivison Block 10902 Lots 10 and 12, 2 and 6 Oak Drive, Sussex County, Borough of Stanhope, N.J. 07874

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**now also available as <http://thomascaggiano/060405chronology.pdf>**

**Thomas Caggiano Education and Background:**

Mr. Caggiano had a thirty year engineering and project management career in federal service; Bachelor's degree in Chemical Engineering from City College of New York with graduate engineering studies at Stevens Institute and Department of Defense Colleges – Total credits in excess of 200 credits; Treasurer of local college chapter of the American Institute of Chemical Engineers; Provided technical engineering services in full scale production plant operations at Phelps Dodge regarding copper refining by blast furnace operations and electrical refinement. Manage and direct the design, construction and operation of chemical manufacturing pilot plants. Engineering Branch Chief responsible for design, construction and operational prove-out of billions of dollars of manufacturing complexes; international technical advisor to the Corps of Engineers; author of technical report for peak overpressure and impulse equations which provide engineering guidance for blast wall design and quantity distance tables; Research, Development, Testing and Evaluation RDT&E Policy Chief responsible for preparation and guidance to 4, 000 engineers, scientist and analysts; Program Management Div Chief responsible for providing guidance and management for three Program Management Engineering Divisions; Acquisition Manager for a Major Classified Weapon system for system design, testing, manufacturing plant design and construction; and Senior level Program Management Engineer Army Acquisition Corps certified at Level III for full life cycle responsibility for cradle to grave engineering, system design, manufacturing facility design, construction and operation, integrated logistics system, testing, training, deployment fielding and decommissioning.

Mr. Caggiano has lived at 10 East Drive since 1972 across the street from the development. Partici-

pated in numerous Stanhope Board of Adjustment, Town Council, Land Use Board and Stanhope Environmental Commission Adjustment public meetings concerning the development and was the local community leader of a petition signed by all the surrounding adjacent property owners to the Borough of Stanhope requesting the Borough to comply with development codes and the site grading profile. Mr. Caggiano provided information in a 41 exhibit presentation to the Town Council regarding the Uniform Construction Code, Soil Erosion and Sediment Control Act, Stanhope Land Development Code and Shade Tree Commission Code, BOCA Code and Dry Stone Conservatory Design issues of retaining walls.

### **Illegal Development, faulty design, no protection during development, destruction of shade trees and construction defects:**

**Design:** The Oak Drive minor sub-division development consists of 2 Lots on Stanhope Block 10902 Lot 10 and 12, 2 Oak Drive and 6 Oak Drive. The lots were heavily wooded and were approximately 150 ft wide by 100 ft deep with a wetland on Lot 10 with a steep canyon with a running spring. Both sites required large critical slope variances. Lot 10 had 7, 480 sq ft disturbed and Lot 12 had 13, 240 sq ft disturbed for a total of 20, 720 sq ft disturbed. The development required a site plan and a Soil Erosion and Sediment Control Plan approved by the municipality and certified by Department of Agriculture's Sussex County Soil Conservation District prior to undertaken development and issuing certificates of occupancy which were jointly never obtained. Four large shade trees were to be protected and preserved in the open area on Lot 10 to be in conformity with the community standards. Two access points to the development site were only via Oak Drive using stabilized access points with stabilized wheel clearing; one for each lot. An 18 ft wide rear permanently protected area on both properties was defined in a restricted deed as a large non-disturbance zone, conservation area with drainage easements which was shown on the approved site plan with a heavy line. The previously built homes in the 1971 on 1, 3 and 5 Valley Road are adjacent and downhill to the Oak Drive development with the homes built on slabs do to the high water table. The reduction and control of water entering the permanent conservation area were paramount to protect the Valley Road properties and were to be controlled by an integrated water system control design by (a) collecting the flow of surface waters to 3 drainage collection grates that were to be permanently maintained, (b) the roof rain water was to be piped from the roof gutters to the integrated storm sewer system to minimize the water from entering the conservation easement and (c) the wetland's water and spring had a underground water collection system to direct water to the collection system. There were no 8' high dry stone retaining walls in the design which required approval per Uniform Construction Code Technical Bulletin 88-6 (section 2) and Stanhope Land Use Board Chapter 100-58 C design approval and construction. Hay bales with sediment fences were to be installed above State standards as required by Stanhope municipal code Chapter 100-63.1 Critical Slope measures. Tree root protective fences were to be installed per the SESCA.

**Development:** The site was illegally developed and drastically overfilled starting in Nov 2001. Illegal retaining walls were constructed in the rear of Lots 10 and 12. An illegal certificate of occupancy was issued for 6 Oak Drive on Jul 10, 2002 with property sold the Lamicellas by the sole developer E.N.F. Development Co. LLC on Jul 12, 2002. The stabilized access points were never constructed as trucks tracked sediment onto Oak Drive for 8 months. Hay bales were never installed. Silt fences were not maintained on a daily basis and buried and crushed for months. Silt and boulders went into the unprotected conservation area with nuisances and trespass onto at 3 and 5 Valley Road threatening the inhabitants and adversely impacting off-site private property for months. After a petition signed by the surrounding property owners was provided to the Town Council in Late Jul 2002 to comply with Land Development Codes and the site plan grading profile, without any design, or approval, another illegal low-

er wall was built in the conservation easement during Jul 29, 2002 to Aug 15, 2002. Adverse impacts occurred to the conservation easement. The gutters on Lot 12 were illegally directly connected to the sewer system. The surface water control of drainage is ineffectual as the construction did not comply with the slope grading profile and surface water flows can not enter the northern grate and the central grate as the rainwater is redirected into the conservation zone do to improper slopes. No as-built drawings requiring approval prior to certificates of occupancy were ever made. Both certificates of occupancy were illegally issued. The Valley Road properties on 3 and 5 Valley Road with the intersection of Lot 12 property line are the low point in the topography and got flooded in a heavy rain. The design standards for the municipality protection standards are a 100 year rainfall. The storm sewer is built at the wrong elevation and the entire drainage control system has permanent design flaws and construction flaws. The rear wooden deck on Lot 12 was constructed on the wrong side of the house adversely impacting the privacy of the owners of 5 Valley Road. The four large shade trees to be protected on Lot 10 were destroyed and never replaced with trees on a 2 for 1 basis with caliber size of 5.25 inches. There were hundreds of unreported violations by the Borough Engineer John Cilo Jr and the Sussex County Soil Conservation District inspectors and no offenses were prosecuted in a court. On Jun 13, 2003 the executive director of the State Soil Conservation District's findings were: (a) the development was undertaken illegally in violation of the State Soil Erosion and Sediment Control Act (SESCA), (b) the issuance of the certificate of occupancy for 6 Oak Drive was issued in violation of the SESCOA, and (c) the Soil Erosion and Sediment Control Plan (SESCP) certified by SCSCD on Oct 8, 2002 approved and evaluated for a single home on Lot 10 violated on violated the SESCOA as the project was a minor subdivision. Gypsum boards and other construction materials were illegally buried on the north side of 6 Oak Drive as observed by Mr. and Mrs. Derseky of 3 Oak Drive who live directly opposite 6 Oak Drive. Boulders litter the backyard of 5 Valley Road. Sediment is in the conservation area of Lot 10 several feet thick. A lower wall exists in the in the conservation area in places covering over 40 % of the drainage area. A sinkhole appeared in the front lawn of 12 East Drive after the wetland was filled in without drainage controls in place. The DEP permit's general conditions were violated but do to an apparent criminal conspiracy no violations were issued.

## **Witnesses:**

Adjacent property owners that are witnesses that should be contacted by any investigator are:

- a. Mr. Charles Heimberg – 1 Valley Road – 973-347-3477
- b. Mrs. Kathryn Heimberg – 1 Valley Road – 973-347-3477
- c. Ms. Amy Dombroski – 3 Valley Road – 973-347-6244
- d. Mr. John Fleming – 5 Valley Road – deceased letters on file
- e. Mrs. Margaret Fleming – 5 Valley Road – 973-448-7478
- f. Mrs. Mary Pawar – 12 East Drive – 973-691-0302
- g. Mr. Iqbal Pawar – 12 East Drive – 973-691-0302
- h. Mr. Thomas Caggiano – 10 East Drive – 973-347-4354
- i. Mrs. Kathryn Caggiano – 10 East Drive – 973-347-4354
- j. Mr. Bruce. Leister – 1 Oak Drive – 973-347-3267
- k. Mrs. Sharon Leister – 1 Oak Drive – 973-347-3267
- l. Mr. Randall Deresky – 3 Oak Drive – 973-347-2845
- m. Mrs. Lois Deresky – 3 Oak Drive – 973-347-2845
- n. Mrs. Valorie Nichols – 8 Oak Drive – 973-347-9030

## **Complaints filed with Department of Consumer Affairs: Misconduct, Incompetence and other factors**

Borough of Stanhope: Borough Engineer John Cilo Jr.

Developer: Pittenger and Keith Inc Professional Engineer Wendell Inhoffer and Planner Judith Keith

Soil Analysis Center Peter Schneider (walls in conservation area and drainage easements)

Sussex County Soil Conservation Consultant Professional Engineer: Joseph Sedivy

## **Recommended Criminal Investigation:**

An apparent protection racket and criminal conspiracy by the former Mayor Brian McNeilly, Town Council members, Town Administrator Teri Massood, Borough Engineer John Cilo Jr and Code Enforcement Official Arlene Fisher existed. The conduct of the Construction Code Official Thomas Pershouse, Land Use Board Attorney Roger Thomas and Borough Attorney Richard Stein should also be investigated. The Department of Agriculture's SSCC's executive secretary Mr. James Sadley, staff member Mr. Frank Minch and SCSCD's chairman Mr. Clifford Lundin and manager Ms. Winifred Straub as each received over 100 emails of witnessed, dated photographs, analysis, et al. The conduct of the Mr. Franklin Dawalt Jr., Mrs. Eleanor Dawalt, PE Mr. Wendell Inhoffer, PE Mr. Peter Schneider, PE Mr. Joseph Sedivy, PP Ms. Judith Keith should also be investigated. I recommend an appropriate criminal investigation authority be contacted to conduct a comprehensive criminal investigation.

## **Soil Erosion and Sediment Control Plans:**

- 1) Borough of Stanhope approved a site plan and incompetently prepared and approved SESCO Nov 1, 2001 for the minor subdivision – the SESCO was never submitted by state and municipal codes to the Sussex County Soil Conservation District prior to undertaking development and issuing certificates of occupancy on 6 Oak Drive.
- 2) SCSCD certificated of a fictitious single home SESCO for Lot 10 certified by SCSCD on Oct 8, 2002 eleven months after the start of development and three months after the certificate of occupancy was issued for 6 Oak Drive. The developer never submitted an application with a fee to the Land Use Board for approval and evaluation. A successful appeal by Mr. Caggiano to the State Soil Conservation Committee (SSCC) overturned SCSCD's certification as invalid.
- 3) On Sep 30, 2003, Executive Secretary's State Soil Conservation Committee who collaborated with SCSCD which recused itself stated the time had expired for a review of the letter of certification submittal by E.N.F. Development Co. LLC. to incorporate Lot 12 pursuant to N.J.S.A. 4:24-45. A grievance was filed pursuant to N.J.S.A. 4:24-6.1 as an incomplete submission and no definition of any 2 ft contour line SESCO. No notification to the Land Use Board was provided pursuant to N.J.A.C. 2:90-1.5(f). No professional engineering review was done for Block 10902 Lot 12.
- 4) On Mar 24, 2004 SCSCD certified a fictitious single home SESCO revision for Lot 10 only submitted by E.N.F. Development Co. LLC. No drainage velocity calculations were provided pursuant to N.J.A.C. 2:90-1.4.1.i were provided. No notification was provided to the Land Use Board pursuant to N.J.A.C. 2:90-1.5(f).. A grievance was filed pursuant to N.J.S.A. 4:24-6.1 as a fictitious plan and not for the minor sub-division.

## **Selected Sections of Law and Violations, Documents and Analysis**

## **New Jersey Soil Erosion and Sediment Control Act (SESCA)**

**SESCA N.J.S.A 4:24-6.1 REVIEW AND APPROVAL, MODIFICATION OR REJECTION OF DECISIONS** The committee may, on its own motion or at the request of any person aggrieved by any decision by a local district, review and approve, modify or reject any such decision as it deems appropriate. On Feb 6, 2006, Mr. Caggiano filed a grievance motion to James Sadley, executive secretary of the State Soil Conservation Committee (SSCC) to withdraw certifications with a detailed OPRA request. No response.

**SESCA N.J.S.A. 4:24-41 DEFINITIONS** "Project" means any disturbance of more than 5,000 square feet of the surface area of land (1) for the accommodation of construction for which the State Uniform Construction Code would require a construction permit, except that the construction of a single-family dwelling unit shall not be deemed a "project" under this act unless such unit is part of a proposed subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such single family dwelling units. The minor subdivision development had 7,480 sq ft disturbed on Lot 10; 13,240 sq ft disturbed on Lot 12 for a total project disturbance of 20,700 sq ft. On Jun 13, 2003 Mr. Sadley of the executive secretary of the SSCC made a finding after an 8 month review that the development was undertaken in violation of the SESCO, the certificate of occupancy for 6 Oak Drive was issued in violation of the SESCO and the Sussex County Soil Conservation District's (SCSCD) certification of Aug 8, 2002 for the Soil Erosion and Sediment Control Plan (SESCP) submitted with the SH#44 application submitted by Eleanor Dawalt was not submitted for the project, a minor subdivision and for a single home and was therefore invalid. Thereafter without any SESCO, drainage velocity calculations or fees as required for a complete application, Jim Sadley in collaboration with SCSCD allowed the "incorporation" of Lot 12 via a reference to the automatic approval via expiration of time for the government to review a certification request. Thereafter on Mar 24, 2004 another false SESCO was submitted ENF Development Co. LLC and approved by SCSCD's PE Mr. Sedivy and SCSCD. A grievance was filed with SCSCD by Thomas Caggiano on Feb 10, 2006 to withdraw the certification as it was not for a minor subdivision, was false and the Land Use Board was not advised of the certification. No response as yet.

**SESCA N.J.S.A. 4:2 4-43 -CERTIFICATION OF PLAN BY DISTRICT; DEVELOPMENT OF PROJECT** Approval of an application for development for any project by the State, any county, municipality, or any instrumentality thereof shall be conditioned upon certification by the local district of a plan for soil erosion and sediment control. Eleanor Dawalt's SESCO prepared incompetently by Wendell Inhoffter PE, Judith Keith PP, and approved by Stanhope's Borough Engineer John Cilo Jr. on Oct 9, 2001, approved by the Land Use Board on Nov 7, 2001 is never submitted by E.N.F. Development Co. LLC to SCSCD. In Jul 2002, a fictitious SESCO is submitted by Eleanor Dawalt in SH#44 application for only Lot 10, certified by SCSCD on Oct 8, 2002 eleven months after the illegal start of development and three months after the illegal issuance of a certificate of occupancy was issued for Lot 12, 6 Oak Drive and submitted for a single home in violation of the SESCO.

**SESCA N.J.S.A. 4:24-45 LIMITATION ON TIME FOR GRANT OR DENIAL OF CERTIFICATION**: The district shall grant or deny certification within a period of 30 days of submission of a complete application. SSCC and SCSCD did not have a complete application for time expiration of certification as stated by executive secretary, SSCC in his letter of Sep 30, 2003. No fee or SESCO was submitted. Mr. Sadley's decision had a grievance issued by Thomas Caggiano on filed on Feb 2, 2006 as there was an incomplete application and no time start date was valid for government review and approval.

SESCA N.J.S.A. 4:24-46 FEES

The district shall adopt a fee schedule and collect fees from applicants for the certification of plans and for on-site inspections of the execution of certified plans. No fees were paid by E.N.F. Development with application via letter from E.N.F. Development Co. LLC regarding Jul 18, 2003 letter to certify by incorporation Lot 12.

SESCA N.J.S.A. 4:24-49 CERTIFICATE OF OCCUPANCY FOR PROJECT; CONDITIONS FOR ISSUANCE: No certificate of occupancy for a project shall be issued by a municipality or any other public agency unless there has been compliance with provisions of a certified plan for permanent measures to control soil erosion and sedimentation. The Lot 10 certificate was issued illegally without a municipality approved and Dept of Agriculture certified SESCO. The Lot 12 certificate issued illegally on Jul 10, 2002 had no certified SESCO.

SESCA N.J.S.A. 4:24-53 VIOLATIONS; INJUNCTION; PENALTY; ENFORCEMENT: If any person violates any of the provisions of this act, any standard promulgated pursuant to the provisions of this act, or fails to comply with the provisions of a certified plan the municipality or the district may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation or, violations and said court may proceed in a summary manner. Any person who violates any of the provisions of this act, any standard promulgated pursuant to this act or fails to comply with the provisions of a certified plan shall be liable to a penalty of not less than \$25.00 nor more than \$3,000 to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.). The Superior Court, County Court, county district court and municipal court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense. There were false plans, false inspection reports, and adverse off-site impacts. Do to official government misconduct and a conspiracy no violations were issued and hundreds of unreported offenses occurred. Fines would be in the hundreds of thousands of dollars as each violation is a new offense each day. No notification to the DEP of the continuous violations of the general conditions and violation of SESCO and Stanhope municipal codes was undertaken by the Borough of Stanhope or SCSCD.

An investigation by authorities is required to provide to a court the hundreds of offenses that occurred and the DEP must be informed that the Permit to fill in the wetland general conditions were violated.

**N.J.A.C. 2:90-1 General Provisions and its 2:90-1.4 Application requirements**

(b) iii Delineation of .. wetlands .. within the project. SCSCD SESCOs did not define the wetland on Lot 10. The wetland was not plotted on any certified SCSCD SESCO.

N.J.A.C 2:90-1.4.2 .iii contours at a two foot interval, showing present and proposed ground elevations. SCSCD certified SESCOs had false topography and were never submitted with a complete application to the Land Use Board for evaluation. The Land Use Board approved no SCSCD certified SESCOs.

N.J.A.C 2.90-1.4.3 Appropriate fees as adopted by the individual district and approved by the Committee

E.N.F. Development Co. LLC submitted no fees for consideration of Lot 12 certification by incorporation. SCSCD recused itself on Aug 6, 2003 based upon investigation by the Sussex County Prosecutor's Office and meeting among Assistant Prosecutor Thomas Bracken and Detective Joseph Costello on Jul 18, 2003 who interviewed Ms. Winifred Straub concerning Thomas Caggiano's allegations.

N.J.A.C 2:90-1.4.6 Maintain a copy of the certified plan on the project site during construction. No SCSCD inspector ever reviewed the plan on-site as no municipal approval of the SCSCD certified SESCPS was ever obtained. Stanhope's Detective Schullhammer did an investigation on Dec 2, 2002 and Franklin Dawalt had no plan, lied that he had approved plans as did the Town Administrator Ms. Teri Massood.

N.J.A.C. 2:90-1.5 Procedure:

N.J.A.C. 2:90-1.5(b) No project shall be undertaken ... unless the applicant has submitted to the district .. a plan for soil erosion and sediment control for such project, and the plan has been certified by the district.

The minor subdivision never had a Stanhope approved and Department of Agriculture certified SESC. On Jun 13, 2003 based upon Mr. Caggiano appeal to the SSCC, Mr. Sadley's findings were undertaken the development and issuing the certificate of occupancy violated the SESCO and the SESC submitted with SH#44 was invalid as it did not address the sub-division.

N.J.A.C 2:90-1.5 (e) "This certification is limited to the controls specified in this plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality".

The Land Use Board never approved any certified SESC and was not provided the SESC with fees for the SESC application evaluation. Mr. Wooten is on the Stanhope Town Council; Mayor's Representative to the Land Use Board and on the Land Use Board and knows no such SESC for SH#44 was approved. The Town Administrator Ms. Teri Massood never submits the SESC submitted with the SH#44 to the Land Use Board and buries the SESC unapproved by the municipality in the Construction folder and lies to at least two official investigations by the Department of Community Affairs Local Government and Stanhope Police investigation.

N.J.A.C 2:90-1.5(f) The district shall furnish the municipal planning board a copy of the certification. SCSCD did not furnish notifications about the SSCC "incorporation of Lot 12" on Sept 30, 2003 or the Mar 24, 2004 Lot 10 only SESC revision which is another false plan.

N.J.A.C 2:90-1.9 Enforcement

N.J.A.C 1.9(a) Inspection of projects to determine execution in accordance with the certified plan shall be carried out by the district in close coordination with the municipal engineer and building inspector.

N.J.A.C 1.9(f) The municipality shall not issue a certificate of occupancy for a project unless there has been compliance with the provisions of the certified plan for permanent measures. The district shall provide the municipality with a report of compliance upon completion of the project. The Lot 12 CO is issued without any certified SESC. Lot 10 has no approved Stanhope and certified SCSCD SESC. All that exists at SCSCD are false SESCOs certified only by SCSCD or Mr. Sadley Department of Agriculture.

N.J.A.C 2:90-1.14 Minor subdivisions Municipal approval of subsequent applicants for construction permits on lots derived from such subdivisions shall be conditioned upon district certification of a soil erosion and sediment control plan where more than 5,000 sq ft disturbed of the surface area shall be disturbed by the applicant. Concurrent construction means any activity where land is disturbed in two or more lots at the same time by the same applicant in the same subdivision.

## **Stanhope Land Development Ordinance of the Borough of Stanhope, NJ - Chapter 100**

Stanhope Land Development Code Chapter 100-15: The Mayor and Council shall enforce this chapter. In case any building or structure ... or land is used in violation of this chapter, the Mayor and Council, its agents or an interested party in addition to other remedies, may institute any appropriate action to prevent the unlawful ... construction; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, or land or prevent any illegal act .. or use in or about such premises. The Mayor and Town Council and its Mayor's representative Mr. Wooten a member of the Land Use Board were fully apprised of the illegal acts and condoned the illegal development of walls and other illegal acts. The Town Administrator Ms. Teri Massood, Construction Code Official, Code Enforcement Official, Borough Engineer John Cilo Jr provided knowingly false information to investigating authorities aborting the investigations.

Stanhope Land Development Code Chapter 100.34.4(3).d Issuance of a stop-work order by the Borough Engineer pending the resolution of any dispute. On Jan 8, 2002 John Cilo Jr. requested to Construction Code Official to stop work and was ignored. The Borough Engineer should have issued his own stop work order and provided violations to a prosecutor so the offenses could be prosecuted in court.

Stanhope Land Development Code Chapter 100-58C Walls: design submission and height requirements

A single 8' high wall was falling apart, had no design, was shown on no site plan existed on Jul 10, 2002 when an illegal CO without conditions was issued. After the Jul 27, 2002 meeting among Cilo, Caggiano, Pawars and Lamicella, Cilo lied, then admitted the wall did not met code and between Jul 29, 2002 and Aug 15, 2002 a lower wall without any variance or authority was built in the restricted conservation area. No design was submitted for approval as no wall existed on the site plan. Peter Schneider PE stated falsely that all municipal codes were complied with as there was no authority to build the wall and the lower portion existed in the conservation area and drainage easement and there was non-compliance with 100-119..

Stanhope Land Development Code Chapter 100-63.1.A and 100-63.1.B(6) Critical slopes: Hay bales with silt fences greater then 8% slope above State and SCSCD standards are required using its police powers to protect inhabitants and private property. No hay bales with silt fences were ever installed. Boulders rolled down steep embankments thorough the 18 ' Buffer zone onto 5 Valley Road and into the non-disturbance area. Silt fence were crushed and buried for over 8 months as the Borough Engineer wrote false inspection reports and the conservation area and private property on 3 and 5 Valley Road were adversely impacted. On 10 East Drive a sinkhole developed as the wetland was not drained.

Stanhope Land Development Code Chapter 100-65.B Application by developer for certificate of occupancy and 100-65.C request must be made in writing. No as-built drawings were submitted. There was no compliance with the SESCA and Stanhope Codes. A failing 8' high wall a threat to private property and the inhabitants.

Stanhope Land Development Code Chapter 100-119: Soil Erosion and Sediment Control measures: No site plan or application for development submitted to the Planning Board pursuant to the developmental regulations of the Borough of Stanhope will be granted approval unless it includes a soil erosion and sedimentation control plan approved by the Sussex County Soil Conservation District.

**Stanhope Shade Tree Commission Chapter 53-5.E** tree infection and 53-6.B(2) tree identification Franklin Dawalt and Judith Keith wrote false reports. The Code Enforcement Official Arlene Fisher hide the Caggiano Complaint of Jul 23, 2002 and Scarlet Doyle the John Cilo Jr Associates professional planner ignored repeated emails about the destruction of the shade trees stating to the Town Administrator Teri Massood they were incessant as the trees were destroyed one by one in violation of plans.

**Stanhope Chapter 72 Uniform Construction Code** establishes “Borough of Stanhope Building and Construction Office”. The Construction Code Official shall be the chief administrator of the enforcing agency.

Uniform Construction Code Technical Bulletin 88-6 (2) Construction Permit for Retaining Walls Requires when the failure of the retaining wall ... could cause significant property damage on adjoining land. Proximity of the wall to property lines may be a factor. For retaining walls not connected to building projects...it may be appropriate for the construction code official to issue permits under the UCC. No walls were shown on the site plan and an 8 ‘ high single wall exists on Jul 10, 2002 when an illegal certificate of occupancy is issued. Mr. Schneider false issued a report on Aug 15, 2002 that codes were met.

Chapter 2: Administrator Section 2.2D Removal. The Borough Administrator maybe removed from office by a two-third vote of the governing body.

DEP Wetland Permit General Permit No. 6, file No.: 1919-99-0001.1, Apr 27, 2000 general conditions

## **Chronology of Events and Criminal Conspiracy Analysis**

On April 27, 2000 a DEP wetland permit is issued to fill in a wetland on Lot 10 with general conditions that the State Soil Erosion and Sediment Control Act and municipal codes must be complied. Do to a criminal conspiracy no violations were issued and no offenses prosecuted in a court. There is illegal development, false inspection reports, false SESCOs, false memorandum, false reports to enforcement officials and by enforcement officials and police investigation. A broad criminal conspiracy exists. On Feb 2, 2006 an investigative inquiry is held by the Office of the Attorney General, Department of Consumer Affairs, Board of Engineers where Mr. Caggiano testifies against the Stanhope Borough Engineer John Cilo Jr. and submits complaints against the developer’s PE Mr. Inhoffter and Schneider and SCSCD’s Mr. Sedivy. A complaint is file with the Board of Professional Planners against Judith Keith. A recommendation to refer issues to a criminal investigation authority is made to the Board of Engineers.

On Nov 1, 2000, Stanhope’s Board of Adjustment approves a resolution with Eleanor Dawalt with the following conditions:

e. as-built drawings shall be submitted to the Borough Engineer for approval prior to the issuance of a certificate of occupancy. No as-built drawings are submitted and fictitious SESCO were submitted as the illegal walls were in violation of restricted deeds and the 8 ‘single wall existed when the illegal certificate of occupancy was issued on 6 Oak Drive on Jul 10, 2002.

i. The non-disturbance area consisting of the 18’ conservation easement along the rear property line. A second law wall was built between Jul 29-Aug 15, 2002 without any legal authority and no variance request.

The lower wall construction was a conspiracy among the Mayor, Town Council, Borough Engineer and others.

On Oct 9, 2001 the Borough Engineer John Cilo Jr. incompetently approved Lot line Adjustment & Soil Erosion and Sediment Control Plan (SESCP) Tax Map Sheet 109 Block 10902 Lots 1, 11 & 12 dated September 20, 1999, Rev per Borough Engineers review 5/29/01 prepared incompetently by Pittenger & Keith, Inc PE 12292 Wendell Inhoffer and PP 3553 Judith Keith submitted by the then owner Eleanor Dawalt. The plan was for a minor subdivision with critical slope variances on both Lot 10 and Lot 12, Lot line adjustment and a defined minor subdivision with over 20,000 sq ft disturbed, a large 18 ft non-disturbance, conservation area and buffer zone marked with a heavy line on the site plan. No 8' high walls existed. Four trees were marked and plotted on Lot 10 with note #9 they were to be preserved in the open area, storage fill area plotted and access to each lot only from Oak Drive with a stabilized access with wheel clearing for each lot. A DEP General Permit file 1919-99-0001.1 dated April 27, 2000 to fill in a wetland with a wetland was plotted on Lot 10 and note #4 detail about freshwater wetlands. The DEP permit required per its general conditions compliance with the SESCOA, federal, state and municipal codes and notification if any changes in plans, details or notes. The SESCOA did not comply with Stanhope Code Chapter 100.63.1A and B(6) requiring hay bales and sediment fences on slopes greater than 8% slope, had the gutters on both lots illegally directly connected to the storm sewer, and did not comply with protection required between Lot 10 and 12 once Lot 12 was developed nor provide proper protection for Oak Drive and East Drive.

On Oct 10, 2001 Eleanor Dawalt sold the minor subdivision to E.N.F. Development Co. LLC. No SCC AP10 form was completed with the affidavit of percent ownership was required by SESCOA and the change in ownership was not identified as required by law. The deeds were for Lot 10 and Lot 12 D2581-249 and D2581-245 respectively for under \$200 in an apparent effort to avoid county transfer taxes, et al.

On Nov 7, 2001 the incompetently prepared SESCOA submitted by Eleanor Dawalt prepared by Pittenger & Keith Inc PE Wendell Inhoffer and PP Judith Keith and approved by the Borough Engineer John Cilo Jr. was approved by the Board of Adjustment and development commenced in violation of the SESCOA and Stanhope Land Development Code Chapter 100-119 Soil Erosion and Sediment Control measures as no certification of the SESCOA was obtained from the Sussex County Soil Conservation District.

The non-compliance and violations of the Stanhope Chapter 100 Land Development and SESCOA 4:24-53, Stanhope Land Development Codes, Stanhope Chapter 100-119 Soil Erosion and Sediment Control measures and DEP Wetland Permit general conditions was violated immediately as development was undertaken in violation of State and Municipal laws as no Soil Erosion and Sediment Control Plan was approved by Stanhope and certified by the Sussex County Soil Conservation District. Adverse impacts immediately occurred and continued through-out the illegal development and illegal issuance of two certificates of occupancy. Oak Drive was immediately adversely impacted as sediment from the development was tracked onto the street as the stabilized access points on Oak Drive lots 10 and 12 were never constructed and over 100 trucks tracked sediment onto Oak Drive for 8 months. The four (4) shade trees roots that were to be protected as plotted on the site plan and Stanhope/Eleanor Dawalt SESCOA were never protected as required by the SESCOA and were destroyed after 8 months. The sediment control protection was not installed around the perimeter of the development and the non-disturbance zone was adversely impacted. Boulder rolled down steep unprotected slopes into the non-disturbance and conservation area and into the private property of 5 Valley Road. Mud and sediment flowed into the conservation area in the rear of Lots 10 and 12 and into 3 and 5 Valley Road. The trees were never protected per the SESCOA, Standard for Tree Protection during construction, Section 1.B. The SESCOA Rules and Regulations Chapter 251, p.l. 1975 Para 2:90-1-5 Procedure (a), (b) and 2:90-1.5

Procedure (e) were not enforced.

On Jan 8, 2002, the Borough Engineer John Cilo Jr wrote a letter to the Borough of Stanhope's Construction Code Official Mr. Thomas Pershouse with copies to the Town Administrator Ms. Teri Masood and Municipal Prosecutor/ Borough Attorney Mr. Richard Stein to stop construction immediately and noted violations that were required to be immediately corrected. He was ignored and no violations were issued as continued damage to the non-disturbance, conservation area, tree roots and off-site properties occurred. The Lot 10 had a stream in a canyon and once filled a sinkhole developed on the front lawn of 10 East Drive. The Borough Engineer should have issued a stop work order pursuant to Chapter 100.34.4(3).d. and the violations prosecuted in a court so that offenses could be pursued and with appropriate fines. The development continued illegally in violation of SESCO and Stanhope municipal codes.

On Jul 10, 2002, E.N.F. Developed filed a request for a certificate of occupancy in violation of Chapter 100-65(B), the Board of Adjustment resolution was violated as no as-built drawings existed, and the SESCO 4:24-49 was violated as no permanent SESCO was approved by the municipality and certified by SCSCD. The Borough Engineer illegally concurred with the issuance of a certificate of occupancy on Lot 12 and the Construction Code Official issued a certificate of occupancy without conditions in violation of the SESCO 4:24-49 as no certified SESCO plan existed for the minor subdivision. There was no enforcement per SESCO 45:24-53 Violations. The developer did not comply with the SESCO, Stanhope Codes or Board of Resolution Agreement between Eleanor Dawalt and the Borough of Stanhope which also required that as-built drawings be submitted as a requirement of the certificate of occupancy. An 8' high wall existed was a felony as it threatened the inhabitants and private property and was close to the property line and on the conservation area. No design or approval for a single wall retaining wall existed and violated the site plan grading profile. The gutters were illegally connected directly to the storm sewer; the DEP Permit general provisions were violated. The Uniform Construction Code TB88-6 Para 2 required a design and approval of any such retaining wall as did Stanhope Chapter 100-58C. No hay bales with sediment fences were installed. No protection between Lot 10 and Lot 12 existed.

On Jul 12, 2002 the Lot 12 property was sold by E.N.F. Development Co. LLC to Mr. and Mrs. Lamicella and immediately occupied. The power line transformers were not installed and brownouts occurred to 1 and 3 Oak Drive whenever the air-conditioner compressor on 6 Oak Drive drew additional power.

On Jul 22, 2002 the Borough Planner Scareltt Doyle wrote a letter to Stanhope that Mr. Caggiano send several emails that John Cilo Jr. Associates had received several emails regarding the Dawalt project. I intend to spend no more time than required. I seek your guidance as to how to deal with this issue because he is relentless in his emails to us. Mr. Caggiano was complaining about the destruction of the shade trees on Lot 10 and other construction issues.

On Jul 23, 2002, a letter is written from T. Caggiano to the Code Enforcement Official Ms Arlene Fisher that the four (4) trees about the violation that the trees to be preserved in the open area were destroyed. Ms. Fisher notified Mr. Caggiano she did not inform anyone of the letter left it in her desk, lost it, was given another copy and took no action. Subsequently after much discussion by many neighbors and other letters the Mayor of Stanhope stated in a Town Council the trees would be replaced with the largest possible. The tree roots were never protected per the SESCO for 8 months and then destroyed. Ms. Scarlet Doyle the Town Planner was repeated warned about the destruction of shade trees in the open area and that plans were not followed by the developer and ignored the emails writing as an asso-

ciate of John Cilo Jr. Associates the complaints were incessant.

On Jul 25, 2002, a petition is signed by fourteen (14) adjacent property owners to the Stanhope Town Council to comply with Land Development codes, the site plan, restore the trees on Lot 10 and eliminate off-site adverse impacts. The completely surrounding adjacent property owners that complain are: Mr. and Mrs. Fleming, Mrs. Dombroski, Mr. and Mrs. Heimberg, Mr. and Mrs. Pawar, Mr. and Mrs. Caggiano, Mrs. Leister, Mrs. Deresky, Ms. Nichols, Mrs. Elaine McCarthy of 7 Valley Rd and Mr. Baker of 10 Valley Rd.

Jul 27, 2002 A meeting was held at 12 East Drive among Mr. Cilo Jr. the Borough Engineer, Mr. and Mrs. Pawar, Mr. Lamicella the owner of Lot 12, 6 Oak Drive and Mr. Caggiano. After lying, the Borough Engineer admitted the rear wall did not meet Stanhope Land Development Code Chap 100-58 C and was not shown on the site plan and that 4 trees were plotted on the site plan to be preserved and would be replaced on a 2 for 1 basis with 5.25 inch caliber trees. His report was then fraudulently written.

Jul 29, 2002 – Aug 15, 2002 In a letter from Mr. John Cilo Jr to Mr. Dawalt dated Jul 29, 2002 he directs a lower wall be built which extended up to 8 ft from the existing 8' high wall which was emplaced in the restricted deed area, the conservation area and drainage easement without any fees, approvals or variances or approved changes to the site plan grading profile and directs trees to be replaced on a 2-1 basis.

Jul 31, 2002, Mr. Caggiano wrote a letter to the DEP subj: Ref: Case No 02073110037-23 reporting: silt has left the property and gone over 15 ft in people's property ( 3 Valley Road ) over 7 inches deep and I had a sink hole appear in my front yard.

On Aug 1, 2002, the New Jersey Herald Newspaper headline: Stanhope residents unhappy with new development. A group of residents told the (town) council Tuesday they think contractor Frank Dawalt is not complying with Borough regulations. The petition asks the council to ensure the construction complies with Borough regulations. Included in the letter is a list of concerns of which the main issues are soil erosion and flooding. "The seven foot wall is shoddily constructed". The council could not take action on the residents' concerns Tuesday because the matter is before the borough Land Use Board. Mr. Cilo who took a look at the property on Saturday and did not find it necessary to stop work" The illegally issued Certificate of occupancy without conditions was issued for Lot 12, 6 Oak Drive on Jul 10, 2002 and the property sold to the Lamicella on Jul 12, 2002 and was not under the authority of the Land Use Board. The work constructing the lower wall in the conservation easement and non-disturbance zone was conducted Jul 29, 2002 to Aug 15, 2002 was illegal as was the entire construction. The Town Council was the proper forum for 6 Oak Drive.

Aug 2002 - In early Aug, Mr. Caggiano brings to the attention of SCSCD the illegal Oak Drive development in a meeting with Ms. Straub the SCSCD manager.

On Aug 6, 2002, Ms. Judith Keith PP who prepared the site plan, original incompetent SESCO and the fictitious SESCO submitted with SH#44 (SESCO44) application prepares a false letter to Mr. Dawalt that there are no trees to be saved in the open area. E.N.F. Development Co. LLC includes this false letter in his false Oct 1, 2002 in fictitious letter to the Town Administrator Ms. Teri Massood.

On Aug 7, 2002, Ms. Straub of SCSCD did an on-site inspection of the minor development and the following observations were obvious: A house was built and occupied on 6 Oak Drive, no stabilized ac-

cess existed to Lot 10, storm sewer lines were not installed, there was no trees in the open area that were protected. She was accompanied by a DEP representative and did not inform him that the development and issuance of a certificate of occupancy violated the SESCOA.

On Aug 9, 2002, SCSCD Ms. Straub sent a letter to E.N.F. Development Co. LLC subject Block 10902, Lots 10, 11 & 12, noted "Construction at the site must be stopped until a Plan is Certified by the District"... Any and all retaining walls proposed for the subject site are not under the jurisdiction of the District and must be prepared and certified by a structural engineer.. Our consulting engineer will review the plan and possibly visit the site. The Application, fee schedule must be signed by the applicant and submitted with the appropriate fee. Each plan must be signed and sealed by the design engineer." There are no retaining walls shown on the fictitious SESCOA provided with the SH#44 application which is known to Ms. Straub.

On Aug 11, 2002, **the Stanhope Environmental Commission wrote a letter to the Land Use Board that plans were not followed and requested an investigation** with copy to Mayor and Town Council.

On Aug 15, 2002, Peter Schneider PE prepared a false report on the 2 wall retaining wall stating all Borough of Stanhope regulations are complied with and was called three times by Mr. Caggiano that his letter was false. There was no compliance with the site plan, SESCOA, Stanhope Chap 100-119, Stanhope Chap 100-58C design approval requirement, et al.. No variance request is submitted to emplace a wall in the conservation area and drainage easement. Adverse impact of flooding occurs to 3 and 5 Valley Road which are the low points in the topography. Peter Schneider ignores Thomas Caggiano's three telephone call and warnings and continues to write more letters of the acceptability of the two tiered walls.

Aug 16, 2002 Mr. Caggiano writes a letter to SCSCD's manager Ms. Straub complains that sediment over 7 inches deep on Valley Rd properties. Erosion control was non-existent. The developer had extensive non-compliance with the DEP permit (general conditions) and did not submit a Sedimentation Control plan to the State as concurrent construction per NJ State Soil Erosion and Sediment Control Act 2:90-1/14 Minor subdivision requires. I have hundreds of digital photos demonstrating the lack of erosion control and large loss of sediment from the walls; in some section 28 inch depth by 2 ft by 2 ft sections fell from the wall and into people's properties below.

On Aug 20, 2002, Eleanor Dawalt submitted a fictitious SESCOA for only Lot 10 as part of application SH#44 to SCSCD. The true owner is E.N.F. Development Co. LLC. Per the SCC251 AP10 Wendell Inhoffler PE is the agent responsible during development. The certification is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality. The SESCOA submitted is different than the SESCOA submitted by Eleanor Dawalt and fictitious as it does not show the two tiered wall.

On Aug 22, 2002, the **Land Use Board wrote a letter to the SCSCD and the DEP** that Mr. Caggiano and his neighbors appeared, provided photographs and it was clear there were sedimentary and environmental violations and requested an evaluation. Ms. Straub after a meeting in a telephone call with Mr. Caggiano and Ms. Catherine Williams refused to conduct the evaluation even if supported by thirty (30) additional property owners. The DEP is powerless as no violations are reported by Stanhope's Borough Engineer or SCSCD.

On Aug 22, 2002, a letter was written by four (4) adjacent property owners Mr. and Mrs. Pawar, Mr. Fleming and Mr. Caggiano to the Planning Board regarding the illegal rear retaining wall on Block

10902 Lots, 10, 11 and 12. stating the need to comply with State and municipal laws on the stone retaining wall and a full review of variance of the site plan and wall design and footings and noted the development was not conducted IAW the Standards for Soil Erosion and Sediment Control Act of New Jersey, Appendix C2-7, Para 2:90-1-14 Minor Subdivision which required and approved and certified SESCO for minor sub-divisions with over 5,000 sq ft disturbed by the same developer at the same time and requested a hearing and that the wall did not meet Chapter 100-58C wall requirements.

On Aug 25, 2002, a letter is written to Mr. Hahn (DEP) and copy provided SCSCD (Ms. Straub) signed by nine (9) adjacent property owners about the violations and non-compliance with SESCA. SCSCD never contacted any of the adjacent property owners. The contractor destroyed large trees that were to be preserved in the "open area" on the Stanhope Map ST9901-A site map. They are: Mr. and Mrs. Caggiano, Mrs. Deresky, Mr. Leister, Mr. and Mrs. Heimberg, Mrs. Baker and Mr. Pawar.

Aug 25, 2002 to Dec 31, 2005 the **Department of Environmental Protection** County Environmental and Waste Enforcement office performed an evaluation of compliance with the General Permit No. 6 and finds no violation of N.J.A.C. 7:7a exists but notes the "**other issues such as soil, building and construction concerns... are simply beyond the purview and authority of the Department's jurisdiction**". As the Borough Engineer wrote false inspection reports, and the SCSCD did not issue violations for non-compliance with the SESCA, the DEP was powerless to find and enforce the general conditions of the General Permit.

At the Aug 26, 2002 **Land Use Board** public meeting, Mr. Roger Thomas "confirmed letters were sent to the NJ DEP and SCSCD requesting them to provide answers to Mr. Caggiano's concerns. **The Board has taken whatever action can be taken... Attorney Thomas noted nothing further can be done.** Mr. Wootten is a member of the Land Use Board, the Mayor's representative to the Board and a member of the Town Council and during the numerous Town Council discussions says nothing about the biweekly discussions within the Land Use Board. The current Mayor Mrs. Diana Kuncken was a member of the Town Council and lives directly across the street from 3 and 5 Valley Road and can clearly see the walls and the illegal development from her front window.

Sep 5, 2002 Stanhope Environmental Commission meeting: "Mr. Caggiano states that the contractor violated his wetland permit. Mr. Caggiano states that he and other neighbors had a meeting with Borough Engineer Cilo; Mr. Cilo prepared a document of that meeting, dated Jul 27<sup>th</sup>, 2002 which is false and misleading."

At the Sep 24, 2002 Town Council meeting, Mr. Heimberg questioned the wall. "**Mr. Stein stated if there is a significant change, then the Engineer has no authority to approve that and has to advise the applicant he has go back to the Board to get approval for the change, which requires notice and a public hearing.**" There was no variance request by E.N.F. Development Co. LLC or Mr. and Mrs. Lamicella who owned the property on Jul 12, 2002 to install a lower wall in the non-disturbance zone, conservation zone and drainage easement during Jul 29, 2002 to Aug 15, 2002. Nor was there any design submitted as required by the Uniform Construction Code TB-88-6(2) Retaining walls and Stanhope Land Development Chapter 100-58C. Mr. Caggiano distributed a forty one (41) exhibit presentation. In exhibit 30, "Copy of Aug 15, 2002 letter from structural engineer Peter Schneider to Frank Dawalt. Letter reports that his inspection of the retaining wall found it "...has been constructed in a proper workmanlike manner and meets all the requirements of the borough of Stanhope regulations for property development'. Mr. Caggiano stated Mr. Schneider only reviewed part of the wall because he only covered the part that had two walls. Mr. Caggiano stated Mr. Schneider should have asked how the wall got built and he should have asked for the design." (No walls should exist per the site plan and

the lower wall would require a variance it could not obtain for it is in the restricted deed area which is required drainage to protect the adjacent Valley Drive properties.) Mr. Lamicella stated he understood a professional engineer did an analysis of the wall behind his home and found all to be all right. He asked if he could have a copy of that report. The Mayor stated we would forward one. **Mr. Caggiano alleged the State's procedures for the rules and regulations regarding soil conservation were not followed by the builder. He further alleged that; therefore, the entire construction of the home is illegal at 6 Oak Drive. Mr. Caggiano stated he believes there were criminal actions which the Borough of Stanhope should be investigating. Mayor McNeilly stated they would take it under advisement.**

On Oct 1, 2002, E.N.F. Development Co. LLC wrote a letter to Stanhope states that the trees are identified on site plan, that trees were infected, and that trees are not on the drawing. Letter shows knowledge and fictitious report.

On Oct 8, 2002, a fictitious SESCO submitted with Application SH#44 with Eleanor Dawalt shown as the owner is certified by Mr. Lundin the SCSCD Chairman. The false SESCO was prepared by Wendell Inhoffer PE and Judith Keith PP. The SESCO is identified as Lot Line adjustment & Soil Erosion and Sediment Control Plan Tax Map Sheet 109 Block 10902 Lot 10.

During Oct 10-17, 2002, Mr. Caggiano had meetings with Ms. Straub informing her the SESCO submitted with the SH#44 application is false in two meeting, one with Ms. Catherine Williams and the other with Mr. Krause. Ms Straub refused to conduct the evaluation requested by the Land Use Board even if thirty (30) property owners supported the Land Use Board. Mrs. Straub was brought a portfolio of dozens of photographs of the violations that occurred and refused to view them. Over 100 emails were sent to Ms. Straub and the SCSCD chairman Mr. Lundin with complete explanations, dated witnessed photographs and they were ignored. Mr. Caggiano was found guilty of harassment for providing SCSCD evidence.

On Oct 17, 2002, Mr. and Mrs. Caggiano appealed the certification of the SCSCD certified SESCO44 for only Lot 10 to SCSCD and informed the SCSCD the Land Use Board had not approved the SESCO.

Oct 20, 2002 Mr. and Mrs. Pawar of 12 East Drive wrote a memorandum. Multiple trees were cut down including those that were to be saved. The next issue is a 7 foot wall that was built. Rocks were beginning to fall out of this wall within 2 days of it being built. We had a meeting with the town engineer (Mr. Cilo Jr.) at our home regarding this wall. To our astonishment the engineer stated "he wasn't familiar with the code regarding building stone walls". Original master plans that we have seen have not been followed.

On Oct 22, 2002, Mr. and Mrs. Fleming of 5 Valley Road wrote a memorandum they are afraid to let the grandchildren visit since **I worry about a boulder coming into the house**, that they were flooded and **had mud all over my backyard**. (Hay bales with silt fences were never installed. Boulders rolled and slide down steep unprotected slopes traveling over 70 ft and littered their back yard and smashed into their rear fence. I measured silt over 20 ft into their property. Silt fences were eventually installed, stakes were crushed and the silt fences buried for months.)

On Oct 22, 2002, Ms. Dombroski of 3 Valley Road wrote a memorandum my garage was flooded with silt after a heavy rainstorm. **My back yard has been flooded with silt after rainstorms. I am very concerned about the rock wall behind my house.** (On the site plan there is no 8' high rock wall)

On Oct 22, 2002, Mr. and Mrs. Heimberg of 1 Valley Road wrote a memorandum entitled The Dawalt Development Tragedy. The Board of Adjustment rejected the original proposal (3 house plan) and Mr. Dawalt submitted an alternative plan (2 house minor sub-division). **I was satisfied that the man, Mr. Dawalt, was dealing in good faith and that his actions would be monitored by the building inspectors and officials of Stanhope. To my dismay both assumptions were far from correct. Many of the trees that were to be saved were ripped out of the ground.** (All four shade trees in the open area were destroyed). Also she (my wife) feels that the inspection process was non-existent and more like a blank check to the builder to do what he wants. I am very nervous that the man will build a rock wall behind my house as he did to my neighbors at 3 and 5 Valley Road. The wall and the dirt in the wall came loose and wound up in their yards. **We need an unbiased observer to investigate all the issues since this project was started.**

On Oct 23, 2002, Mr. And Mrs. Deresky wrote a memorandum: My next concern when the construction started was there were more trees being knocked down than there were suppose to be saved. When I asked Mr. Cilo he told me that was not the case. (All 4 shade trees to be preserved in the open area were destroyed). **I also watched the backhoe bury construction material on the right side of the house. (Northern side of 6 Oak Drive which included gypsum boards, insulation and wood).** With all the problems that we had expected to happen from day one, these houses should never have been allowed to be built.

On Oct 23, 2002, Mr. and Mrs. Caggiano participated in SCSCD appeal of the SESCO for only a single home on Lot 10, and objected to the non-consideration of Lot 12, stated the topography is false, the requirement for hay bales, the improper access point on East Drive and read all the letters for the adjacent property owners noting wanton violations and requesting an investigation. SCSCD affirms the certification of the SESCO over the appeal and objections of Mr. Caggiano that the SESCO does not consider Lot 12 of the minor subdivision, is false as it does not have the correct topography, walls are not shown, 3 of 4 shade trees are erased, the wetland is not defined, the stabilized access required on Oak Drive is erased, does not required hay bales with sediment fences and the access point on East Drive was inappropriate. Mr. Lundin asked when Mr. and Mrs. Pawar's letter was read: Did the Borough Engineer really admit the wall did not meet code? Mr. Caggiano responded: "Yes" and Mr. Lundin "groaned" and made no mention of the discussion in the minutes. Deeds, site plan image, 3 floppy disks, Board of Adjustment resolution, letters from all adjacent property owners were provided and ignored

Oct 29, 2002, Mr. Caggiano wrote a memorandum about the destruction of trees and adverse impacts on root systems.

On Oct 29, 2002 at the public Stanhope Town Council meeting, the minutes' record is provided herein regarding two walls that were illegally constructed on Block 10902 Lots 10 and 12. Neither is shown on the fictitious SESCO with the SH#44 application. A single 8' high wall existed when the certificate of occupancy was issued in violation of the State Soil Erosion and Sediment Control Act (SESCA) and Stanhope Code 100-119 for Stanhope Block 10902 Lot 12 on Jul 10, 2002. During Jul 29, 2002 to Aug 15, 2002 the second lower wall not shown on the fictitious SESCO was built in the non-disturbance, drainage easement, conservation and buffer zone and shows the knowledge and complicity of the Mayor and Town Council.

**"Mr. Caggiano stated the deed for 6 Oak Drive was signed on Jul 12, 2002 and he asked how the Borough Engineer could direct the (prior) builder (E.N.F. Development Co. LLC) to put the second (lower) wall in after the deed was signed. Mr. Caggiano contended that two applications were**

**required to put up the second wall which traversed both properties (2 and 6 Oak Drive). The Mayor McNeilly stated he completed his review of this project and the Borough of stands behind its position on how this project is being handled. The Mayor suggested that if Mr. Caggiano disagreed, he needs to take it to another level”.**

On Nov 1, 2002, Mr. Caggiano appealed the SCSCD certification of only Lot 10 to the executive secretary Mr. Sadley, State Soil Conservation Committee that the development, issuance of certificate of occupancy and SESCO for a single home, Lot 10 violated the SESCO. Eight months later after 100 emails, on Jun 13, 2003 Mr. Sadley upheld Mr. Caggiano’s appeal of SCSCD certification of the SESCO submitted with SH#44 and found the development was undertaken in violation of the SESCO, the issuance of a certificate of occupancy was issued in violation of the SESCO and the SESCO for a single home was invalid and must the SESCO must be for the project, the minor subdivision on Block 10902 Lots 10 and 12. A detailed report of off-site impacts conducted by Mr. Caggiano is provided to Mr. Sadley and ignored.

Nov 2, 2002, Ms. Valerie Nichols of 8 Oak Drive wrote a memorandum that stated **“We all assumed the builder would follow all local, state and federal ordinances and laws. We were wrong!”**. The terracing and rock walls that were necessary to contain the enormous amount of fill are a safety hazard. They were too high and unstable. (The site was overfilled and not in accordance with the site plan grading profile which required no high retaining walls). **I am asking you, the authorities, to properly investigate all of the problems and violations which have occurred since construction was begun on Lots 10, 11 and 12.**

On Nov 4, 2002, Mrs. Leister of 1 Oak Drive wrote a memorandum our primary concern was our neighbors on Valley Road. Many concerns were expressed about the development of this property because of the extremely steep slope. Mr. Cilo and the town board assured us the property would be developed correctly. **Mr. Dawalt was permitted the freedom of many violations.** My neighbors and I voiced many concerns early on when this project first started and all our concerns have come to be true.

On Dec 2, 2002, Stanhope Detective Schellhammer did an investigation as Mr. Caggiano informed the Stanhope Police the on-going development was illegal. **The Town Administrator Teri Massood and Franklin Dawalt Jr. provided false information** to the investigator knowing that there is no Stanhope approved and SCSCD certified SESCO and that the SESCO submitted with the SH#44 application is false. **The Stanhope Police investigation is aborted and the Detective told Mr. Caggiano he could do nothing further.**

During Dec 13, 2002 to Mar 4, 2003, a **Department of Community Affairs Codes and Standards** Construction Code Investigation was performed by Mr. John Maher. **Mr. Maher was provided false information by the Construction Code Official Thomas Pershouse, Borough Engineer John Cilo Jr and SCSCD Manager Ms. Straub** by stating a SESCO was not required by Lot 12 which was a violation of the SESCO and Stanhope Code Land Development Chapter 100-119. The Department of Community Affairs states in a letter Mar 4, 2003 **“As was previously discussed, the jurisdiction of the office is to enforce the Uniform Construction Code...This office cannot peruse an investigation into areas outside the jurisdiction of this office”.**

On Feb 13, 2003, Mr. Caggiano contacted the Sussex County Prosecutor’s Office (SCPO) on Jan 27, 2003 and met with Detective Joseph Costello on Feb 13, 2003 complaining of an illegal development on 2 and 6 Oak Drive in Stanhope and brought a large suitcase along with two plastic containers filled with binders, papers and photographs. As per Caggiano, permission from the State was never obtained

and construction started in Jan 2002. Due to this home being built, water and soil have moved into other properties. According to Caggiano, during the month of Jan 2002 the Borough engineer, John Cilo, wrote a letter to the Borough requesting Dawalt stop construction. Construction did not stop and the residence (6 Oak Drive) was completed in Jul of 2002 and has been occupied since the same family. On Feb 20, 2003 Detective Costello spoke with John Maher of the Department of Community Affairs (who was given false information by the Borough Engineer John Cilo Jr. and SCSCD's Manager Ms. Straub during his investigation that a SESCO was not required for the Lot 12 development or issuance of the certificate of occupancy). As per Mr. Maher, he conducts investigation in to the Uniform Construction Code. Soil Erosion and Sediment Control are not within his jurisdiction. Mrs. Pawar and Mr. Fleming telephoned Detective Costello about the criminal activity. Detective Costello informed Mrs. Pawar he will canvas the neighborhood in two weeks and never visited. Mrs. Pawar writes a hand written complaint letter and Mr. Caggiano faxes it to the SCPO with no response.

On Mar 24, 2003, Thomas Caggiano wrote a certified letter to Mr. Richard Stein Borough Attorney and Municipal Prosecutor documented violations with photographs and detailed analysis. No response.

On Mar 24, 2003, Mr. Caggiano attended the Land Use Board and directed the Board to complete fact finding issues he presented but the Land Use Board refused to conduct the evaluation.

On Jun 16, 2003 the Executive Director James Sadley of the **State Soil Conservation Committee** wrote a letter to Mr. Caggiano regarding his appeal of Nov 1, 2002. Findings were the development was undertaken in violation of the SESCO N.J.S.A. 4:24-39, et. seq. including 4:24-43 which specially states that "approval of an application for development for any project by the State, any county, municipality, or any instrumentality thereof shall be conditioned upon certification by the local district of a plan for soil erosion and sediment control" that **the development and issuance of the certificate of occupancy were in violation of the SESCO and the SESCO for a single home was invalid as the project the minor subdivision must be considered.** The development also violated Stanhope's Land Development Code Chapter 100-119 Soil Erosion and Sediment Control measures.

During Jun 20, 2003 to Jul 23, 2003, the **Department of Community Affairs Local Government** Mr. Watkins did an investigation. **The DEP DAG Harley Williams stated "There might be soil erosion violations, but they were the county's (SCSCD) and the municipality's responsibility"** and the **Town Administrator Ms. Teri Massood provided false information stating: "All his charges (Mr. Caggiano's) were unfounded"** when Ms. Massood knew the Soil Erosion and Sediment Control Plan certified submitted with application SH#44 by SCSCD was false and never approved by Stanhope's Land Use Board, no fee was ever paid to the municipality to review the false plan, knew the shade trees were destroyed and other issues as well as the petition signed by all the adjacent property owners.

On Jul 11, 2003 Mr. Joseph Trapp, Division of Criminal Justice, Administrator of Investigation wrote a letter to Assemblyman Guy Gregg from case CJ# 2003-4902-IC assigned. Mr. Edgar Hess stops investigation immediately and refuses to provide any explanation verbally or in writing. Significant follow-up data is provided fruitlessly to the Department of Criminal Justice.

On Jul 18, 2003, E.N.F. Development Co. LLC submitted a letter without a fee, plans, drainage velocity calculations or definition so that the "This letter is to request that the above certified soil erosion and sediment control plan {SH#44} be amended to include Lot 12, in Block 10902 in the Borough of Stanhope so that I can proceed with the development of adjacent Lot 10." to SCSCD for "certification". There is no mention of what defines Lot 12. The SESCO submitted with SH#44 was fictitious. Per N.J.A.C. 2.90-1.4 requirements, there is an incomplete application.

On Jul 18, 2003, Ms. Straub the SCSCD Manager is interviewed by the Assistant Prosecutor Thomas Bracken and Detective Costello regarding Caggiano's allegations.

At the Jul 30, 2003 SCSCD Board of Supervisors meeting, the Prosecutor's Office investigation was discussed at length along with recusal. Discussed suggested language received from Mr. Sadley in response to Mr. Dawalt's submission.

On Aug 6, 2003 the SCSCD letter wrote a letter to SSCC Sadley. Board of Supervisors recused itself after receiving the Jul 18, 2003 letter from E.N.F. Development Co. LLC in regards the incorporation of Lot 12 (there is an incomplete application per the N.J.A.C. 2:90-1.4). The Board requested the SSCC Staff/Engineer to review and certify the amendment.

On Aug 7, 2003 **Sussex County Prosecutor's Office** wrote a letter to Mr. Thomas Caggiano regarding allegations. Met with Stanhope Borough Engineer John Cilo Jr., Construction Code Official Thomas Pershouse, Zoning Enforcement Officer Arlene Fisher, Borough Administrator Teri Massood, Chief of Police Pittenger. SCSCD Manager Winifred Straub and contacted the DEP and Department of Community Affairs John Maher. Jurisdiction is limited to the enforcement of the state's criminal law. **Based upon facts currently known there is insufficient basis to trigger our criminal jurisdiction.** The prosecutor was apparently provided false information by Stanhope and SCSCD government officials. Based upon OPRA restrictions the public cannot obtain records of what Stanhope and SCSCD officials said during the investigation.

Sep 12, 2003, Assemblywoman Alison Littell McHose wrote a letter to N.J. Attorney General Peter Harvey to address the grave concerns of Mr. Caggiano regarding a residential construction issue in Stanhope. No response.

On Sep 30, 2003, **Mr. Sadley** of the State Soil Conservation Committee without any engineer review sends letter to SCSCD with a delay in responding to SCSCD Aug 6, 2002 letter regarding the reference project (Block 10902, Lot 10 Sussex District Plan #SH44). No action by this office will be necessary at this time since the period for certification of the amendment is expired; and **the amendment is certified by expiration of the time frame** as provided in N.J.S.A. 4:24-44. The district should in continue to inspect the project in accordance with the district inspection policy. No fees were paid to consider the certification nor were any 2 ft contour SESCO plat provided resulting in an incomplete application submission which was not processed in accordance with N.J.A.C. 2:90-1.1 et. seq. procedures. **There is no notification of the certification to the Borough of Stanhope Land Use Board per the SESCO. The application is incomplete as there is no SESCO plat, no drainage velocity calculations or any fees paid. The SESCO submitted with application SH#44 that showed the subdivision is fictitious.**

Mr. Caggiano complains to the Town Council to fire the Borough Engineer, change the certificate of occupancies without conditions to certificates of occupancy with conditions and initiate removal action for the Town Administrator pursuant to Chapter 2-2.D hearing.

Sep 30, 2003, Senator Robert Littell wrote a letter to N.J. Attorney General Peter Harvey to address the grave concerns of Mr. Caggiano regarding a residential construction issue in Stanhope. No response.

On Oct 9, 2003, the Borough of Stanhope threatened Mr. Caggiano with criminal harassment and criminal trespass if he took further efforts within the Stanhope Environmental Commission, Land Use

Board, Town Council, Police Chief, Code Enforcement Official, Borough Engineer, or contacted any representative, wrote to or contacted the Borough in any manner or enter Borough of Stanhope property for any reason. Mr. Caggiano was forbidden under threat of criminal charges to inspect any Borough record in violation of the Open Public Records Act. Mr. Caggiano's New Jersey Constitutional rights under Article I Rights and Privileges Section 1: All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness and Section 18: The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances were violated.

On Nov 20, 2003 DEP's Lisa Jackson wrote a letter to Mr. Thomas Caggiano: "You have alleged violations of the soil erosion and sediment control plan certified by the SCSCD and have requested the Department find that EMD Associates {sp E.N.F. Development Co. LLC} is in violation of that part of their Statewide General Permit #6 requiring compliance with soil erosion and sediment control measures. Consequently, any further DEP involvement would be limited to and contingent on the finding of a violation of the certified plan." In actuality the general conditions required compliance with state and municipal laws. The Borough Engineer, Borough of Stanhope and SCSCD issued no violations so no offenses were reported to a court. The SESCO certified by the SCSCD was fictitious and the Borough Engineer John Cilo Jr. and SCSCD Joseph Sedivy's PE reports noting compliance with the fictitious SESCO were also false. A further false report is issued by Sedivy on Mar 12, 2004 concerning a revision to the single home SESCO with another fictitious SESCO revision issued by Wendell Inhoffer. No SCSCD certified SESCO is ever submitted to the Land Use Board for municipality review and approval. As there is no announcement to the adjacent property owners or the Land Use Board for local public review the local community is unable to issue an appeal. False inspection reports were issued by the Borough of Stanhope and SCSCD inspectors as adverse impacts occurred off-site as noted in all the adjacent property owners letters, petition and multiple signed letter provided to SCSCD as SCSCD and the executive secretary of the SCSCD engaged in a collaborative effort without notifications to the municipality and without municipality approvals with known fictitious SESCO plans. The conservation areas drainage system is adversely impacted by walls, improper installation of drainage grates and storm sewers at wrong elevations and improper site grading slopes not in accordance with the site plan or the fictitious SESCO grading profiles adversely impact water surface flow directions. The north and central collection grates as ineffectual. The gutters from 6 Oak Drive are illegally directed connected to the storm sewer. The trees in the open area to be saved were never protected and destroyed. Incompetence, criminal conduct and collusion are apparently rampant among State and Municipal government officials, professional engineers, professional planners and the developer. As a result the DEP, Department of Community Affairs, Land Use Board, Stanhope Environmental Commission are powerless as laws and proper administration procedures are not enforced and no violations or offenses are issued. A petition signed by all fourteen (14) adjacent property owners to comply with Land Development codes, restore the destroyed trees in the open area and comply with the site plan grading profile and witnessed dated photographs, letters signed by every adjacent property owner were ignored by the Borough of Stanhope and the Department of Agriculture or SCSCD. No approved municipal and department of agriculture SESCO exists as the entire development and issuance of both certificates of occupancy violated the SESCO and Stanhope Land Development Code Chapter 100-119.

On Nov 30, 2003, Mr. Caggiano visited the U.S. Attorney's Office in Newark and provided a briefing to the Assistant U.S. Attorney Mr. Nobile and Mr. Beet who advise they can only act in a federal jurisdiction.

On Dec 8, 2003, John Cilo Jr. Associates without an approved and certified SESCO for the minor subdivision recommended a temporary certificate of occupancy be issued. John Cilo Jr. included the approval from Peter Schneider PE regarding the rubble retaining wall even though Mr. Cilo knew a two wall retaining wall was not on the site plan and also knew the Land Use Board never approved the SESCOs certified by SCSCD.

On Mar 12, 2004, SCSCD's Joseph A. Sedivy PE again incompetently approved a false SESCO rev to Lot 10 only for a single home submitted by Wendell Inhoffer for E.N.F. Development Co. LLC and erroneously reports they are within the guidelines of the Soil Conservation District. SCSCD's Ms Wini Straub approves for payment even though she knows walls exist not shown in the SESCO, the SESCO is false and only for a single home which such an SESCO was found to be invalid by the SSCC findings known to Ms. Straub. The walls are not shown on the 2 ft contour plot revision. "I have reviewed Subject Plans of 3/04 and find them within the guidelines of the Soil Conservation District".

On Mar 24, 2004, the false SESCO certification revision was approved by SCSCD once again for a project Dawalt single family home but now submitted by ENF Development Co. LLC revisions (ENF) without an AP10 form identifying the percentage ownership affidavit. No drainage velocity calculations were provided. By direction, from the State Soil Conservation Committee, the certification of a single family home was invalid as the project must be for the minor sub-division. The revision submitted has a revised SESCO plat attachment which is false as it does show properly that the grading profile in the non-disturbance area was adversely impacted, that the topography of walls existing in the non-disturbance area and conservation zone were not shown which adversely impact drainage, that the 8" shade tree which is plotted but destroyed, does not show the existence of a prior wetland or the other 3 shade trees that were to be preserved in the open area as defined on the site plan. The revision was a false SESCO. The Borough of Stanhope's Land Use Board was not notified of the certification revision and no municipal approval was provided.

On Nov 2, 2005, Stanhope Borough Clerk denies access to Mrs. Pawar for OPRA records.

On Nov 30, 2005 Mr. Caggiano met with U.S. Attorney's Office's Mr. Nobile and Mr. Beet in Newark, N.J. and was advised their jurisdiction was limited for federal matters.

On Dec 5, 2005, Mr. Russo the Executive Director of the Department of Consumer Affairs, Board of Professional Engineers notified Mr. Caggiano he would be a witness at an investigatory inquiry against the Borough Engineer John Cilo Jr. in response to Complaint 05-13.

On Dec 15, 2005, Office of the Inspector General assigns case number DEC006.

On Feb 2, 2006, an investigatory inquiry was held by the Office of the Attorney General, Department of Consumer Affairs, Board of Professional Engineer's against John Cilo Jr. with Mr. Caggiano as a witness. On Feb 3, 2006, Mr. Caggiano wrote a letter to the Board with ninety (90) exhibits On Feb 2, 2003, formal complaints were registered against PE Wendell Inhoffer 12292, PE Peter Schneider 26056 and PE Joseph Sedivy 17094 and PP Judith Keith 3552 for misconduct, incompetence or other factors regarding the Oak Drive minor subdivision development.

On Feb 2, 2006, Mr. and Mrs. Pawar prepare a detailed record of the violations that occurred during the development. Mr. Caggiano has reviewed the memorandum and verifies his observations confirm the accuracy of all statements. The memorandum is provided to the Board of Engineer's in Mr. Caggiano's Feb 3, 2006 letter as an exhibit.

On Feb 6, 2006, Mr. Caggiano provided a grievance to Mr. Sadley the executive secretary of the State Soil Conservation Committee to withdraw the certification of the incorporation of Lot 12 pursuant to N.J.S.A 4:24-6.1 for Sep 30, 2003 time expiration do to an incomplete application, a false SESCO and other issues.

There is no response.

On Feb 6, 2006, Borough Deputy Clerk responded to request by Mr. Caggiano to inspect documents pursuant to the OPRA that "While the OPRA statute certainly allows for the inspection of documents that can only be accomplished if you are legally allowed to enter the Municipal Building, which unfortunately your are not allowed to do so." There is no court order or hearing. The letter from Stanhope violates the N.J. Constitutional rights and the OPRA and prevents Mr. Caggiano from presenting grievances, visit the police to report the criminal activity, and execute actions to assure compliance with Chapter 100-15 enforcement, et al. The act by Stanhope is an obstruction of justice preventing the obtaining of records to support requests with evidence in the Board of Engineers, Board of Professional Planners and Criminal Justice system.

On Feb 9, 2006, Mr. Caggiano sent seventeen (17) denial of access complaints against the Borough of Stanhope to the Government Record Council as the Borough of Stanhope denied all inspections of government records as required under the Open Public Records Act. "C.47:1A-5 Times during which records may be inspected, examined, copied; access; copy fees. The custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours"

On Feb 10, 2006, Mr. Thomas Caggiano wrote a letter to SCSCD pursuant to SESCO N.J.S.A 4:24-6.1 and presented a grievance and request to withdraw SCSCD Mar 24, 2004 certification of a single home Block 10902 Lot 10 revision by E.N.F. Development Co. LLC for application incompleteness, a fictitious SESCO, invalid as for on a single home and not the project the minor subdivision, other issues and no notification to Stanhope's Land Use Board.

On Feb 13, 2006 SCSCD's Mr. Smith states there will be no further investigation of the Dawalt subdivision. "If you feel that the SCSCD has acted illegally, you are free to institute a civil suit in a court of competent jurisdiction. Your letters are copied by me and sent to the district. However, the board will not conduct an open session meeting for you to air "grievances" as the time to appeal district action has long expired."

On Feb 23, 2006 The GRC requests a Statement of Information request regarding Thomas Caggiano v. Borough of Stanhope, 2006-27 through 2006-43.

On Mar 7, 2006 Stanhope new Municipal Clerk/OPRA Custodian Robin Kline lift "ban" to examine records if make appointment. Stanhope Letter to GRC on Mar 10, 2006 that I did as of Mar 9, 2006 not heard from Mr. Caggiano regarding offer of inspection.

On Mar 7, 2006 Board of Engineers issues complaint #06-16 against Peter Schneider.

On Mar 9, 2006 Board of Engineers executive director Mr. Russo calls regarding complaints against Wendell Inhoffer and Joseph Sedivy (and Peter Schneider) and I provided info. Asks motive for actions.

States only handles the licenses.

On Mar 9, 2006 Letter to Stanhope's Ms. Kline rejecting offer as "ban" refuses permission to go onto Borough property, attend public meetings, present grievances and violated NJ Constitutional rights.

On Mar 10, 2006 Board of Engineers issues complaint #06-17 against Wendell Inhoffer.

On Mar 13, 2006 Board of Engineers issues complaint #06-18 against Joseph Sedivy

On Mar 15, 2006 Governor Corzine writes letter to Caggiano with cc Farber.

On Mar 16, 2006 Mr. Cilo's attorney sends threatening letters to Mr. and Mrs. Pawar that if they don't withdraw their complaints against Mr. Cilo (Complaints 05-13a and b), they are considering suing them for abuse of process and libel and are given 10 days to respond.

On Mar 17, 2006 Caggiano writes letter to Attorney General Zulima Farber about jurisdiction and forwards three letters.

On Mar 19, 2006 Mr. and Mrs. Pawar write letter to Board of Engineers about the threat and documentation of the meeting on Jul 27, 2002 and their observations and request support regarding the intimidation.

On Mar 19, 2006 Mr. Caggiano advises Ms. Farber of the Cilo threat and provides a floppy disk containing a 22 page assessment of the laws that were violated, a chronology of events and recommendations.

On Mar 20, 2006 Letter from State Board of Professional Planners executive director Mr. James Hsu to Mr. Caggiano regarding investigation of Judith Keith.

On Mar 23, 2006 Prosecutor Supervisor and Coordination Bureau (Kathy 609-984-2814) Build file and assign attorney

On Mar 24, 2006 Letter from Department of Consumer Affairs Director Kimberly Ricketts informing others of investigation file

On Mar 29, 2006 GRC Gloria Luzzatto (609-341-3480) Mediation offer denied by Mr. Caggiano as no documents from Stanhope in reply to OPRA requests.

On Apr 4, 2006 Caggiano letter to the Land Use Board for hearing comply with the site plan.

On Apr 5, 2006 Respond to Cilo Lawyer's threatening letter dated Apr 1, 2006.

On Apr 6, 2006 GRC sends letter to Stanhope for more information concerning Stanhope complaints

On Apr 10, 2006 Wrote letter to Governor with evidence about fax to McKoy that was ignored, a floppy disk with my 22 page report and other evidence and that there was no response from anyone.

On Apr 10, 2006 Mr. Cilo's Lawyer telephone me and requested I stop sending faxes to his office as over the weekend I provided his office over 50 pages of evidence refuting his letter and also notified him of my letter to the Governor concerning his misconduct in threatening us.

## **Recommendations:**

Administrative procedures be taken against professional engineers and professional planners and the overall matter of a conspiracy should be referred to the appropriate criminal investigators. Correction of the site grading profile, reconstruction of the deck on 6 Oak Drive to the correct site of the house, restoration of large shade trees on 2 Oak Drive, removal of walls in the conservation area, correction of gutters directly connected to the storm sewer system, removal of buried gypsum boards and construction materials and construction defects in the water collection system and sewer elevation must all be corrected to provide proper protection to the inhabitants and private property, comply with codes and regulations and assure the general health and tranquility of the neighborhood.

A comprehensive criminal investigation be under taken by the New Jersey Attorney General. A review of the conduct of the Department of criminal justice's Mr. Edgar Hess, the Office of Government Integrity, the Sussex County Prosecutor's Office, the Department of Agriculture, Sussex County Soil Conservation District, the Borough of Stanhope, the developer E.N.F. Development Co. LLC, professional engineers, professional planner and the Stillwater and Lake Hopatcong court proceeding wherein Mr. Caggiano was convicted by sending a letter to the Attorney General signed by Mrs. Pawar, Mrs. Caggiano and himself, and harassment by providing 100 emails of evidence to SCSCD's chairman Clifford Lundin and manager Winifred Straub who certified SESCPs for a single home in violations of the SECA and NJAC, ignoring all seventeen adjacent property owners were ignored as Mr. Caggiano was denied the right to call witnesses in his defense.

Prepared by

Return

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