

7086 Arcadia Glen Court
North Las Vegas, Nv 89084
Oct 11, 2009

Borough of Stanhope
Municipal Clerk OPRA Custodian Ellen Horak and Town Administrator
77 Main Street
Stanhope, N.J. 07874

Re: Borough of Stanhope's letter of Oct 6, 2009 from its Borough Clerk Ellen Horak,
RMC

NOTICE: *This letter includes grievances, an certified affidavit, notice of my return to N.J. on Oct 14, 2009 to file Affidavits of Probable Cause per court rules, notice of Judge Conforti, JSC verbal court actions and dismissal of criminal charges, OPRA request and other purposes*

1. The check that was enclosed as noted in your letter of Oct 6, 2009 is in error as the check clearly stated it included payment for the corrupt Land Use Board member and Construction Code Official Thomas Pershouse to conduct a review of my property on 10 East Drive. He may contact my real estate agent for access for the inspection for a continuing certificate of occupancy.

Your Oct 6, 2009 letter stated the following:

“Dear Mr. Caggiano,

The Borough received an envelope from you on October 5, 2009, enclosing your check number 5050, made payable to the Borough in the amount of \$2,300. Your check has been applied to your 4th quarter taxes and your taxes are now paid through Dec 31, 2009.

Since you are still under Judge Dana's no contact order, the Borough will ignore the contents of the envelope and the notes that you wrote on the outside of the envelope.

Sincerely,

Ellen Horak, RMC
Borough Clerk”

2. Regarding your statement that I am under the corrupt Joint Court municipal judge

court order of such an unconstitutional order as something called by you as a “no contact order” I am amused by your continued criminal conduct. Apparently you should NOT be in your position and in a federal prison for as noted you were at times the OPRA custodian and also the recording secretary for the Town Council and the Land Use Board and the Deputy municipal clerk. Having those multiple positions is forbidden by municipal ordinances but since laws do not apply in the Borough of Stanhope nor the U.S. Constitution, or the New Jersey Constitution or the Open Public Meeting Act or the Bill of Rights which allows assembly at a government meeting. You in my opinion and others are a felon and conspirator. Surely as you sat in the Township of Green’s court room you were fully aware that Richard Stein, Esq. committed willful perjury as he stated every government record I requested was provided to me. As OPRA custodian, I am sure you are fully aware he lied repeatedly. That is called a felony on your part, Crime of Omission N.J.S.A. 2C:2-1 and as a conspirator you will be found guilty I believe by a federal court and also a State criminal court for multiple continuous criminal confederation.

3. So this is an OPRA request as Judge Dana has no authority to over rule any constitution. His court sentencing, resentencing and re-sentencing were already determined by the Superior Court on Sep 10, 2009 to have violated the laws in an agreement among Judge Conforti, JSC who for a significant period told the court on the record and the public the illegal conduct by Judge Dana which you observed yourself during the kangaroo court as William Hinkes, Esq. per the written response from the Township of Green did NOT even have a valid contract on Jan 7, 2009 when he falsely imprisoned me.

These facts were agreed on Sep 10, 2009 by Judge Conforti, JSC as my indictment was dismissed and bail returned from the State of New Jersey already. The new First Assistant Prosecutor Gregg Mueller removed the Assistant Prosecutors from both the indictment which was dismissed and also from the municipal appeals.

4. I shall appear in the Borough of Stanhope’s court with this written notice to file Affidavits of Probable Cause against you, Mayor Diana Kuncken, Governing Body members, Laddey, Clark, Ryan LLC, Richard Stein, Dolan and Dolan PA, Roger Thomas, Esq., John Leo III, Esq., John Cilo Jr. Associates, John Cilo Jr., Omland Engineering Associates, Eric Keller, and others for per case law a resolution is NOT a contract since 1912 and the former Town Administrator Teri Massood in writing and before the corrupt Judge Solomon, ALJ admitted she destroyed government records and fled the Borough of Stanhope without resigning when the corrupt GRC finally filed GRC 2006-02 with the Office of Administrative Law. Also in writing from the former corrupt Town Municipal Clerk and OPRA Custodian Battaglia is her admission under oath before the corrupt Judge Solomon, ALJ that she refused to provide a copy of any government record to Mary Pawar, Kathryn Caggiano or myself for the State executive secretary of the State Soil Conservation Committee James Sadley already made a finding upon my successful appeal of the first criminally prepared Soil Erosion and Sediment Control

Plan for block 10902 Lots 10 and 12 as NO Soil Erosion and Sediment Control Plan as required by the State's Soil Erosion and Sediment Control Act or Stanhope Land Development Code was ever approved by a municipal engineer per the Map Filing Law and the Stanhope Land Development Code Chap 100 including Shade Tree Commission Chap 53.

5. As your time is short in your current position as OPRA custodian, I request a listing of OPRA requests the Borough as NOT responded to provide a copy of documents requested therein. Per the transcript record in the now dismissed indictment, the false statements of which you are fully aware as having been a Deputy Municipal Clerk and now municipal clerk, I did NOT as stated by Richard Stein, Esq. submit eight hundred OPRA requests ALL on zoning as some included copies of Land Use Board minutes of which you provided yourself and other copies of Town Council minutes.

6. The Borough is given notice that I intend on attending Open Public Meetings of the Town Council and the Land Use Board. I will submit Affidavits of Probable Cause on kidnapping charges, assault charges and am now in contact with the FBI offices in the State of Nevada and the U.S. Attorney Office in Las Vegas. My web site ThomasCaggiano.com is filed with my municipal appeals and also the now dismissed indictment. Further delay to respond to my requests on OPRA are obstruction of justice, prevention and detection of criminal conduct and breach of duty, negligence and have caused emotional distress to my wife, family and others.

7. OPRA request:

- a. Please provide a copy of the outstanding OPRA requests for copies in 2008 and 2009 and estimated bill for payment of copies requested.
- b. Please provide a copy of P. David Zimmerman's Contract in 2006 and 2007 to prepare the Area in Need of Redevelopment Report.
- c. Please provide a copy of John Cilo Jr. Associates contract for professional engineering services and planning services in 2006 and 2007 with the Land Use Board.
- d. Please provide a copy of Omland Engineering Associates contract for professional engineering services in 2006.
- e. Please provide a copy of an approved by a Stanhope municipal engineer (or Borough Engineer) for Block 10902 Lot 10 of an as-built drawing required per the resolution approving the minor sub-division by the Board of Adjustment prior to issuing a certificate of occupancy on Lot 10 or 2 Oak Drive. The required for your recall was within the Board of Adjustment approved resolution of Eleanor Dawalt's changed plan from build-

ing three houses on Lots 10, 11 and 12 on Block 10902 to a two lot minor sub-division with a lot area variance on one lot and critical slope variances on both lots which required State Department of Agriculture certification of a Soil Erosion and Sediment Control Plan as over 20, 000 sq. ft. was disturbed on both lots and in addition a Wetland Permit was issued with the requirement that compliance with federal, state and municipal laws were complied and that NO CHANGES to the drawings were allowed without the State Department of Environment notification. The requirement for the approved “As-built drawings” was in para 6.e of the approved resolution which is contained by signature of the Board of Adjustment’s Chairman and the secretary of the Board in each separate deed for 2 Oak Drive (lot 10 and part of lot 11) and 6 Oak Drive (part of lot 11 and lot 12) which is why there is no 4 Oak Drive as the lot 11 was removed from the tax block 10902 upon approval of the minor sub-division. “As-built drawings shall be provided to the Borough Engineer for approval PRIOR TO the issuance of a certificate of occupancy”. Also in paragraph 4 it notes The SUBDIVISION Deed shall specifically indicate that there shall be an 18 ft Conservation Easement (a non-disurbance zone) along the rear property line of the resulting two lots ...

f. Please provide a copy of an approved by a Stanhope municipal engineer (or Borough Engineer) for Block 10902 Lot 12 of an as-built drawing required per the resolution approving the minor sub-division by the Board of Adjustment prior to issuing a certificate of occupancy on Lot 10 or 6 Oak Drive.

g. Please provide a copy of the construction code official report concerning the issuance of a continuing certificate of occupancy on 10 East Drive when completed. OPRA request:

h. Please provide a copy of the envelope noted above in your Oct 6, 2009 letter wherein I mailed in a check for \$2,300 for taxes and also the payment of \$125 for a fee for inspection of my property on 10 East Drive to obtain a continuing certificate of occupancy for sale of the properties 6, 8 and 10 East Drive shown on my Real Estate agent’s web directory site at url http://imagehost.gsmls.com/Weichert/13/2712013_0.jpg

8. If you have any questions on these above OPRA requests please send me an email to thomas_caggiano@yahoo.com. I expect to be in New Jersey to discuss the sale of my private property on 6,8 and 10 East Drive and the construction code official should notify me by email to thomas_caggiano@yahoo.com.

9. I and my wife Kathryn Caggiano met the State of New Jersey’s Police’s Official Corruption Bureau Sgts in the Hughes Justice Complex and provided them CDs and other materials on the criminal conduct by those in the Borough of Stanhope that have ignored the petitions by fourteen property owners on Jul 25, 2002 and by fifteen property owners on May 8, 2006 and while the corrupt Borough an enterprise of repeated official miscon-

duct, perjury on Statements of Information by Richard Stein as an OPRA custodian and former Deputy Municipal clerk and recorder in Town Council and Land Use Board meetings the audio recording prove beyond any reasonable doubt many of the minutes you prepared were done to prevent the detection of criminal conduct as a confederator. The web site is filed in Sussex County Superior Court - Criminal Division and Sussex County Prosecutor's Office as well as the U.S. Attorney Office and Federal District court and available on any internet connection which the tax payers have provided you.

10. The web site known to hundreds is formerly known as ThomasCaggiano.com and now renamed and accessible also as FreedomNewsDigest.com and an audio recording of my presentation of evidence at the Newton's Sussex County, 1 Spring Street, Board of Chosen Freeholders on Nov 5, 2008 for ten minutes can be heard at url:

<http://ThomasCaggiano.com/081105SussexCountyFreeholdersMtg.mp3>

11. The records of the Office of the Governor of New Jersey Jon Corzine were entered by my Office of the Gov Point of Contact Ian Brennan who wrote the Office of the Attorney General Department of Consumer Affairs to conduct an investigation of the Borough of Stanhope which the former Director Kimberly Ricketts notified the U.S. Attorney Office, the New Jersey's Office of the Attorney General's Department of Law and Public Safety and the Department of Agriculture of the ninety exhibits I provided to the corrupt Board of Engineers in my formal complaint against John Cilo Jr., under complaint 05-13 and those records are adopted by reference as an exhibit to this certified affidavit. The Office of the Gov records were obtained by me under an OPRA request on Oct 29, 2007 in response to my OPRA request W31992 from Special Counsel Clarke Bruno and provide a contemporaneous entry in the Office of the Gov computer system as a public duty to notify our State's Chief executive of the criminal conduct and conspiracy by State, municipal and other bribed persons and are adopted by reference to this certified affidavit and as a basis for my OPRA request. The OPRA response is available on the internet in support of this grievance to the Town Administrator per his Chapter 2 Administration duties and is at the internet url:

<http://ThomasCaggiano.com/071029GovCorzineOPRAdana.pdf>

12. Whereas Ind 08-09-316-I was dismissed and Superior Court Judge Conforti, JSC in agreement with Sussex County Prosecutor Gregg Mueller as a representative per Title 2C of New Jersey's Attorney General and my Public Defender Robert Mattia, Esq. all concurred I was wrongfully sentenced, resentenced for 85 days and resentenced again for 95 days which based upon my municipal appeal was immediately stayed and now vacated by the court with a court verbal order that all fines paid the Borough of Stanhope must be returned and there is no probation required, that two State Department doctors

agreed with other doctors that I am NOT a threat to myself, any other person or private property I hereby make my initial Notification of filing of Claim against the Borough of Stanhope and various officials including but not limited to the Mayor of Stanhope, its law firm Laddey, Clark and Ryan LLC with its corrupt Borough Attorney Richard Stein, Esq., Governing Body members and others that participated in a criminal conspiracy. Via **this actual notice** of your Title 59 Tort Claim exemptions are **NOT covered by the immunity** through your outrageous conduct, breach of duty, negligence and causing emotional distress all exemptions to the immunity and apparent agreed confederation to obstruct justice. Therefore, you are requested to provide me the name and address and copy of a claim form to be filed with the Borough municipal insurance pool and I suggest the Town Administrator read Chap 2 Administration and the Chapter covering the Police Department duties he has. Also I allow the corrupt Chief of Police to provide you copies of the many voluntary Police reports I made with the sole restriction that my social security number be redacted on such copies and also provided to you and your superiors: being the corrupt Borough of Stanhope Mayor Diana Kuncken, the corrupt Governing Body members, Richard A. Stein, Esq and your Town Administrator.

Please note:

N.J.S.A.: 59:10-2.2. Claim

A claim for reimbursement shall be filed within the time and in the manner provided for claims for damage or injury under chapter 8 of Title 59 of the New Jersey Statutes, except where the procedure prescribed in that chapter is inconsistent with the nature of a claim resulting from a criminal action.

13. A copy of this document is posted as a .pdf file on our authored and published web site to expose corruption and perform a public duty on ThomasCaggiano.com and its other url forwarding address FreedomNewsDigest.com as

<http://ThomasCaggiano.com/091011StanhopeEllenHorakresponse.pdf>

14. Affidavit Certification per NJ court rules: I certify the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false I am aware I am subject to punishment.

CF:

- a. Department of Community Affairs, GRC panel and corrupt Exec Dir Starghill, Esq.
- b. Sussex County/Morris County Vicinage Assignment Judge the Dishonorable Theor-

dore Bozonelis, AJSC

c. Sussex County Superior Court - Criminal Part file clerk municipal appeals and Judge Conforti, JSC

d. Excellent Sussex County first assistant prosecutor Gregg Mueller

e. Robert Mattia, Esq. my Newton based lawyer for dismissed criminal indictment Ind 08-09-316-I on motion by 1st Asst Prosecutor Gregg Mueller, Thomas Caggiano v. State of New Jersey municipal appeals, sale of East Drive properties

f. Corrupt District X Ethics Committee, Morristown, N.J.

g. Corrupt State of New Jersey Supreme Court Advisory Committee on Judicial Conduct

h. United States of America, Department of Justice's FBI, Las Vegas, Nevada

i. Borough of Stanhope's "Official newspaper" New Jersey Herald

Sincerely,

Thomas Caggiano
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702-586-6768