

**STATE OF NEW JERSEY
MORRIS COUNTY
MUNICIPAL COURT OF LONG**

HILL TWP.

VERNON TWP. (Sussex County)

TRANSFER

STATE OF NEW JERSEY

:

v.

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:
:

DECISION

JOSEPH WALLACE, Defendant

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STATEMENT OF THE CASE

This case is a transfer from Vernon Township, Sussex County, because of conflicts in that and other surrounding municipalities. Trial began on May 8, 2019 and continued on May 31, 2019 and September 5, 2019. The court wishes to thank and commend both counsel for their thorough preparation of the case and its professional presentation.

Defendant Joseph Wallace has been issued two summonses from the Sussex County Soil Conservation District, six motor vehicle summonses from the Vernon Township police and eighty-two zoning violation summonses by the Township Zoning Officer. This was a trial dealing with almost one hundred summonses that required testimony and cross examination as well as 170 evidence exhibits.

The sections of the zoning ordinances he has been accused of violating are:

Sec. 330-156 - Operating a business in residential zone

Sec. 484-4 - Placing soils on premises without a permit

Sec. 484-6 - (amended) placing soils on premises without a permit

Sec. 330-171 - Having more than two accessory buildings on a lot

Sec. 330-191 - Parked commercial vehicles in residential districts

Sec. 330-193 - Outdoor storage/ parking of RV's in residential districts

Sec. 330-194 - Disabled or unregistered vehicles not stored in enclosed building

Sec. 330-162 - Violation of a 'Stop Work' order

Mr. Wallace owns a house on 4.33 acres in a residential area at 3 Silver Spruce Drive, a private road, in Vernon Township, Sussex County, New Jersey. (S-1 - survey 4/6/99). He has been charged with allowing soils and construction debris to be dumped on his property without a permit, outdoor storage of construction debris, violations of stop work orders and other zoning violations. It is alleged the dumping has resulted in a huge mound of material several stories high which is a danger to surrounding properties. He has ignored all notices and summonses issued since April 23, 2018. Martin Morrison, Esq. entered an appearance on behalf of Mr. Wallace with the Vernon Twp. Municipal Court by letter dated June 11, 2018.

This court would be remiss if it did not comment on the significant burden such a large number of summonses and evidentiary exhibits places on a court of limited resources and jurisdiction. This is not fair to the Court, the prosecution or the defense. This case and a similar one in Plumsted Twp. (Star Ledger August 11, 2019) demonstrate the inability or unwillingness of NJDEP to intervene when alleged dumping of solid waste, illegal materials or potentially hazardous materials occurs in small towns. Only when political leaders get involved is there any State action. Municipalities need to rely on themselves to satisfy residents and apply zoning laws in a uniform and sensible manner.

The Municipal Court Division should train Administrators to act as gatekeepers when a situation arises where numerous summonses are issued to the same individual, company or related companies. After a book of ten summonses has been issued, the MCA should meet with township officials and advise them the subject of the tickets must be solved. A meeting with the defendant and his attorney should be scheduled and the summonses moved immediately onto the docket for processing. Swift action is required in these situations.

TESTIMONY, EVIDENCE EXHIBITS AND SUMMONSES ISSUED

ALLISON LAROCCA, ZONING OFFICER

Ms. Allison LaRocca is the Zoning and Code Enforcement Officer in the Township. She is familiar with the ordinances of Vernon Township. She was also the custodian of records for the trial. She visited the area of Silver Spruce Drive on many occasions and on some of the visits, not all, took photographs. After she decides on a complaint she has 30 days in which to issue it. Many times a summons is issued on the day she sees a violation. Ms. LaRocca issued and served these summons pursuant to Rule 7:2-4, sending the violation notices or summonses to the address registered with the township tax office.

Ms. LaRocca visited the area on April 19, 2018 after receiving telephone calls from neighbors that trucks were going in and out of the property. She issued a Zoning Violation Notice, ZV-18-00161, on April 23, 2018 (S-2) noting violation of four zoning

ordinances. She alleged piles of scrap metal, construction debris, disabled vehicles and other violations. She ordered a cleanup and removal. She listed May 23, 2018 as the compliance date and her next inspection date. From a neighbor's property she testified to observing construction debris, 55-gallon drums and scrap metal, which she photographed. (S-3, S-4 and S-5). She also observed approximately four disabled vehicles with flat tires, two commercial vehicles from E. Tapa Transport, LLC, tires and at least four shipping containers on the property.

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On May 3, 2018, between 9:16 AM and 10:28 AM, she photographed 11 tri-axle dump trucks (S-6 to S-20) enter the property. All had the covering tarpaulin over the bed. Each of the trucks had a load capacity of 20-25 cubic yards. She observed trucks lined up to enter the property. Exhibit S-18 shows at least four large dump trucks on the Wallace property. She could hear the loads being dropped and the tail gates slamming shut. Throughout her testimony, Ms. LaRocca acknowledged that often she could not see a load being dumped but she was always close enough to hear the debris coming out of the trucks.

On May 9th, she again visited the area and found the property of Mr. Wallace in the same condition. She also visited on May 22nd. Between May 9, 2018 and May 22, 2018, she issued SC-8968, SC-8976, SC-8977, SC-8978, SC-8979 and SC-8980 for placing soils without a permit and served them by regular mail. She had observed at least 15 large dump trucks enter the property and unload their contents. She concluded that more than 100 cubic yards of materials and soil had been dumped on the property without a permit. She issued SC-8978 based on a police officer's report that he had seen debris being dumped on the property on May 14th; SC-8979 based on a police report that debris was being dumped on the property May 16th; and SC-8980 based on a police officer advising her two dump trucks were blocking the street on May 17th.

On May 23, 2018, Ms. LaRocca made an early morning visit to the area and took several photographs from 1 Silver Spruce Drive, a neighboring property. She identified a commercial trailer husk (S-21); a large blue dump truck, another behind it and a unregistered car with a shipping container and junk in the background (S-22); an open, towable trailer filled with hose, plastic, machine parts and other junk (S-23); a shipping container on its side with a hoop frame and torn covering, construction debris, tires and more (S-24); close-up of the same unregistered car and junk in background (S-25 and S-27); a red trailer filled with trash, old telephone pole and husk of trailer previously seen in (S-21) and (S-26); old tires, open 55-gallon metal drums, old wood telephone pole, bricks and concrete (S-28). As of May 7, 2019, the property was in the same condition except the two dump trucks had been removed within the last 3 or 4 weeks.

Following her visit of May 23, 2018, she issued summonses SC-8972 - multiple unregistered and disabled vehicles, SC-8973 - two commercial trucks on the property; SC-8974 - outdoor storage of construction debris, SC-8975 - four or more storage containers as accessory structures. A property owner could keep things in a building such as a garage but not outdoors. Mr. Wallace had made no attempts to comply with township ordinances, or make contact with Ms. LaRocca, or attempt to obtain a permit to level his property.

On June 11, 2018, Ms. LaRocca visited the area and took more photos. The large blue dump truck with another dump truck behind it and unregistered car (S-29 and S-30 are the same as S-22); a commercial trailer husk and large dump truck in front of it (S-31 same as S-21 in same position); 4 tires, 2 steel drums, tubular frame, overturned canoe, construction debris (S-32); overturned shipping container, cars with debris on them, mower parts, plastic coolers, rusted pipes and other junk (S-33 and S-34); close-up of unregistered disabled cars in weeds with other trash (S-35 and S-36).

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She visited the area approximately three times per week over the summer of 2018 and testified that the dumping continued. She personally observed or heard soil dumping. On July 24, 2018, Ms. LaRocca returned and photographed bricks, rocks and demolition debris that had washed down from the top of the pile and was at the neighboring property line (S-37). She issued a Stop Work Order on August 24, 2018, directing no soils to be moved onto the property until a soil permit was applied for and issued (S-2a). The order was served by regular mail and not returned by the postal service. On August 30, 2018, after the stop work order was issued, she took a photo of three large blue tri-axle dump trucks at the top of Mr. Wallace's driveway (S-38). She also photographed one of the blue trucks at the stop sign exiting Silver Spruce Drive (S-39). She issued summons SC-8992 for violation of the stop work order.

Ms. LaRocca observed two dump trucks, one orange and the other blue, at the top of the driveway of Mr. Wallace on September 5, 2018. The orange truck comes down the driveway as seen in exhibits S-40, S-41, S-42, S-43 and S-44. This vehicle is identified by D.I.R.T. and DOT numbers. She issued SC-8993 for violation of the stop work order.

Thirteen photographs were taken by Ms. LaRocca on September 6, 2018. Exhibit S-45, from the left, shows the top of the earth mover, a red dump truck and two blue dump trucks at the dumping area. S-46 and S-47 show the red truck moving toward the camera and reveals a load of large tree trunks that were dropped on the ground. Exhibit S-48 shows a red, loaded tri-axle dump truck with an orange left fender proceeding up the driveway toward the dumping area and returning empty 9 minutes later (S-48, S-49, and S-50). Exhibit S-51 shows a green tri-axle truck marked "CHAVIN" with the tarp over the load entering the property. Exhibit S-52 shows a red tri-axle dump truck marked "MGD Express" with the tarp over the load and seen again in S-54, S-55, and S-56 leaving the property empty. Exhibit S-53 shows an empty tri-axle truck leaving and S-57 shows the blue trucks and pile of logs and beams seen in previous photos at the top of the drive. She issued summons SC-8995 for violation of the stop work order.

Ms. LaRocca returned to the area September 10, 2018 and took additional photos. A loaded black tri-axle dump truck is entering the Wallace driveway and a few minutes later leaving empty (S-58, S-59, and S-60). A white tractor pulling a trailer full of large logs or tree trunks with an unloading claw moves onto the Wallace property, unloads the logs and leaves empty (S-61, S-62, S-63, S-64, and S-65). Exhibits S-66 and S-67 show a black dump truck with tarp on entering the property

and leaving empty less than ten minutes later. Ms. LaRocca issued summonses SC-8996, SC-8997, and SC-8998 for violation of the stop work order because she observed three separate instances of the violation.

The following day, September 11, 2018, Ms. LaRocca photographed the side of a yellow tri-axle dump truck with DOT# 2487712 for municipal waste entering the property and moving up the driveway to dump its load (S-68 to S-73) and later issued summons SC-8999 for violation of the stop work order. On September 13, 2018, she photographed a loaded black tri-axle dump truck moving up the driveway and returning to leave the property shortly thereafter (S-74 and S-75). On September 13, 2018, she took a photo of a recently installed sign stating a stop work order prohibited fill material at 3 Silver Spruce Drive, the residence of Mr. Wallace, by order of the Sussex County Soil Conservation District (S-76). She issued summons SC-9002 for violation of the stop work order.

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On September 17, 2018, Ms. LaRocca was at the scene and photographed a white tractor pulling a flatbed trailer with used, stacked 4"x6" beams entering 3 Silver Spruce Drive. The trailer had a hydraulic claw apparatus that unloaded the beams onto the ground (S-77 to S-80). An hour and one-half later another load of beams arrived by the same or a similar truck and trailer (S-81 to S-83). She issued summonses SC-9003 and SC-9004 for violation of the stop work order. On September 18, 2018, she photographed an orange dump truck with tarp unrolled go up the driveway, tip the dump, and then leave empty. (S-84 to S-86). She issued summons SC-9005 for violation of the stop work order.

On September 24, 2018, Ms. LaRocca returned to 1 Silver Spruce Drive and took 10 photographs of the hill of debris (S-87 to S-96). They show concrete pieces, ruts from rain runoff, boulders and other construction debris that has been dumped over vegetation. None of this material could be considered clean fill. Weeds and brush are growing over material previously dumped.

The following day, September 25, 2018, Ms. LaRocca returned to the scene and observed similar activity and she took 10 photographs (S-97 to S-106). A loaded blue dump truck identified as D. Rubios Express, LLC moves up the driveway of Mr. Wallace's property and leaves empty a few minutes later. Loaded red and silver dump trucks move up the driveway, dump their loads and leave the dumping area empty. She could hear loads being dumped. She issued four summonses on September 25, 2018, SC-9006, SC-9007, SC-9008, and SC-9009 for violation of the stop work order. There had been no abatement of any of the zoning violations and she had never seen a dump truck leave the property with a load of material.

Ms. LaRocca made inspections of the site in October of 2018 two or three times per week and continued to see and hear the dumping activities on the Wallace property. She did the same in November of 2018. There was no abatement and the violations and the pile continued to grow. Approximately 2 ½ acres of the property was used for the dumping activities. She did not issue any new summonses because she was told not to by the township prosecutor.

On December 17, 2018, Ms. LaRocca returned to the property and photographed a loaded red dump truck moving up the Wallace driveway with Mr. Wallace following in his own pickup truck. The pile of logs seen in previous photographs has grown much bigger (S-107). A truck is being unloaded of logs and beams by its claw apparatus and leaves the dump area (S-108 to S-112). A yellow bulldozer/earth mover can be seen in exhibit S-112 and many of the other photographs. A red dump truck is seen emptying its load and leaving the dump area (S-113 and S-114). She issued summonses SC-9125 for placing soils without a permit, SC-9186 for violation of the stop work order, SC-9191 for violation of the stop work order and SC-9192 for running a business in a residential zone. On December 19, 2018, Ms. LaRocca photographed a loaded orange dump truck moving up the driveway, tipping its load and leaving the dump area in 10 minutes. Two blue dump trucks are seen at the top of the driveway (S-115, S-116, and S-117). She issued summonses SC-9126 for placing soils without a permit, SC-9187 for running a business in a residential zone and SC-9188 for violation of the stop work order. On December 20, 2018, she photographed a silver dump truck moving up the driveway, tipping its load and leaving the property (S-118, S-119, and S-120). She issued summonses SC-9127 for placing soils without a permit, SC-9189 for violation of the stop work order and SC-9190 for violation of the stop work order.

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On December 26, 2018, Ms. LaRocca returned to the area and photographed a loaded red tri-axle dump truck (license plate AU572R) proceeding up to the dumping area behind a pile of beams and leaving empty (S-121, S-122 and S-123). She issued summonses SC-9128 for placing soils without a permit, SC-9129 for violation of the stop work order and SC-9130 for running a business in a residential zone. On December 28, 2018, she photographed the same loaded red truck (plate # identified with help of a magnifying glass) moving up to the same dumping area, tipping its load and leaving the property of Mr. Wallace empty (S-126, S-127 and S-128,). She issued summonses SC-9148 for violation of the stop work order, SC-9149 for running a business in a residential zone and SC-9150 for placing soils without a permit. On December 31, 2018, she photographed a loaded dump truck moving up toward the log piles, dump its load and leave empty (S-129, S-130 and S-131). Four additional photographs show a loaded green dump truck approaching the property of Mr. Wallace on Silver Spruce Drive, dumping its load and leaving empty while Mr. Wallace is directing a red dump truck into position to dump its load (S-132 to S-135). She issued summonses SC-9151 for violation of the stop work order, SC-9152 for placing soils without a permit, SC-9153 for running a business in a residential zone, SC-9154 for violation of a stop work order, SC-9155 for placing soils without a permit, SC-9156 for running a business in a residential zone, SC-9157 for violation of the stop work order, SC-9158 for placing soils without a permit and SC-9159 for running a business in a residential zone.

On January 2, 2019, Ms. LaRocca photographed a loaded maroon or red dump truck moving up the driveway toward the log piles where a blue dump truck was located. The red truck dropped its load and left empty (S-136, S-137 and S-138). She issued

summonses SC-9160 for violation of the stop work order, SC-9161 for running a business in a residential zone and SC-9162 for placing soils without a permit. She returned on January 4, 2019 and photographed a red dump truck entering the property of Mr. Wallace, tipping its load behind a blue dump truck and leaving empty with the earth mover in the background (S-139, S-140 and S-141). She issued summons numbers SC-9164 for placing soils without a permit, SC-9165 for violation of the stop work order and SC-9166 for running a business in a residential zone. On January 7, 2019, she returned and photographed a dump truck with uncovered load moving toward the dumping site about to pass a blue dump truck, tip its load and leave empty showing the earth mover in the rear of the photo (S-142, S-143 and S-144). She issued summonses SC-9167 for running a business in a residential zone, SC-9168 for placing soils without a permit and, SC-9169 for violation of the stop work order.

On January 9, 2019, Ms. LaRocca went to the area and began taking photographs. A loaded yellow dump truck is traveling up to the dumping area about to pass a blue dump truck, tipping its load and leaving empty (S-145, S-146 and S-147). A few minutes later, a loaded blue tri-axle dump truck is doing the same with the earth mover in the background (S-148, S-149 and S-150). She issued summonses SC-9170 for violation of the stop work order, SC-9181 for running a business in a residential zone, SC-9182 for placing soils without a permit, SC-9183 for violation of the stop work order, SC-9184 for running a business in a residential zone and SC-9185 for placing soils without a permit. She continued to visit the area at least every few days and testified there was continuous dump truck traffic entering and leaving the property of Mr. Wallace.

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On January 17, 2019, Ms. LaRocca came to a neighboring property and took 11 photographs. Six tri-axle dump trucks are actively engaged on the Wallace property, red and white trucks are passing each other, three EARTHCO dump trucks are on the property at the same time, a wide angle view of a side of the debris pile shows evidence of recent dumping with no evidence of vegetation and a gravel pile for spreading on the driveway, dump trucks entering and leaving the property and two trucks tipping their loads (S-151 to S-161). She issued summonses SC-9193 for placing soils without a permit, SC-9194 for violation of the stop work order, SC-9195 for running a business in a residential zone, SC-9196 for placing soils without a permit, SC-9197 for violation of the stop work order, SC-9198 for running a business in a residential zone, SC-9199 for violation of the stop work order and SC-9200 for running a business in a residential zone. She continued visiting the area two to three times per week without taking photographs and testified the dumping activity continued at the same rate. On January 28, 2019, she photographed two blue tri-axle dump trucks near the log piles and the bulldozer going back and forth moving soil (marked in error S-124, and S-125). She issued summonses SC-9138 for commercial trucks stored on the property and SC-9139 for running a business in a residential zone. Through February and March of 2019, she continued to make inspections of the property two or three

times per week. On March 13, 2019, she saw no activity taking place. She testified that trucking activity was reduced during February and March of 2019. She did receive reports from police officers that they had seen dumping on March 12 and 13, 2019 and issued summonses SC-9221, SC-9222, SC-9223, SC-9224, SC-9225 and SC-9226 on March 19, 2019. At no time was there any attempt to remove debris or otherwise rectify zoning offenses with the exception that the two parked dump trucks stored on the property had left. The neighborhood is zoned for single family residential use. No other uses are permitted.

In additional testimony, Ms. LaRocca testified that trucks were coming and going to the Wallace property in October 2017 which was business activities. Her attention was directed to exhibits S-151, S-28, S-22, and S-33 which showed six dump trucks, 55-gallon drums and other trash, disabled vehicles and storage containers. None of this is permitted in a residential zone. She was also shown exhibits S-130, S-150, S-159 and S-96 showing a tri-axle truck dumping its load of soils, a wide view of material dumped on the property closer to the street, a high long hill of soil seen from a neighboring property and a view of the soil hill from another angle. According to Ms. LaRocca, exhibit S-87 showed the back side of the pile that the bulldozer pushed around but the pile continued to grow. The definition of soil includes many things. Exhibit S-3 shows broken concrete block and construction debris which fits into the definition of soil requiring a permit. Exhibit S-155 shows a view of the soil pile and what appears to be a gravel pile at its foot. Exhibit S-44 shows an orange tri-axle dump truck with lettering noting it could hold 25 cubic yards. This was similar to other tri-axle trucks entering the property. When she decides to serve a summons she gets on her computer to make sure it is updated. She always serves a summons by ordinary mail. No attempts were ever made by Mr. Wallace to abate the violations.

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CROSS EXAMINATION OF MS. LARocca

Ms. Larocca was vigorously and comprehensively cross examined on her testimony by Mr. Morrison. Her only employment is with the Township of Vernon as the Zoning Officer. On May 9, 2018, she had viewed the Wallace property and did not issue a Stop Work Order. When she did issue the Stop Work Order on August 24, 2018, it was sent by regular mail, not certified mail, to P.O. Box 496, Vernon, New Jersey. On May 22, 2018, SC-8968 for placing soils without a permit was sent to Mr. Wallace at his P.O. Box. All summonses were sent by regular mail. There was no posting of the stop work order on the property of Mr. Wallace. All summonses for violation of the stop work order refer to exhibit S-2A. She personally deposited the stop work order in the post box. His address was obtained from tax records.

She was in court in July 2018 when Mr. Wallace's attorney, Jeffrey Patti stated that Mr. Wallace was in the landscaping business. Ms. LaRocca testified the Wallace property was not farm assessed. Penalties could be up to \$2,000 per day and 90 days in jail. The town requirement (ordinance) was effective in April or May 2018. (Court note: Chapter 484: Soil Fill Placement, of Ordinance 18-15 was adopted April 9, 2018). She had observed dumping on the property but did not issue summonses until the ordinance was enacted. No permit is required for less than 100 cubic yards of fill. A minor permit costing \$100 is required for more than 100 but less than 500 cubic yards. Mr. Wallace never made a request for a permit.

On May 9, 2018, Ms. LaRocca saw 12 tri-axle dump trucks came from Route 565 into Silver Spruce Drive and into the Wallace property. She saw the trucks dumping. Tarpaulins covered the contents of the trucks. She did not see the contents or volume of the trucks and inferred they were unloaded when they came out of the property with the top cover retracted. On May 10th, May 14th, May 16th and May 17, 2018, she issued summonses SC-8977, SC-8978, SC-8979 and SC-8980 respectively based on police reports. Officers responded to complaints, wrote reports and the summonses were issued based on that information. On May 22, 2018, she visited the area and saw 12 tri-axle dump trucks. With tarps covering the loads, she could not see into the inside of the truck bodies to view the volume or the contents and does not know if the contents were landscaping material or soil material. She could not see the trucks tipping but did hear the dumping of the loads. No further summonses were issued in June 2018 although she did visit the area two to three times per week. On July 24, 2018, she visited the area and saw two trucks on the Wallace property. On July 26, 2018, she issued SC-8686 for operating a business in a residential zone.

Ms. LaRocca issued the Stop Work Order on August 24, 2018. She did not issue a summons on that date. On August 30, 2018, she was at the scene and saw a blue truck entering the property and two others on top of the hill. She issued SC-8992 for violation of the stop work order. On September 5, 2018, she saw an orange truck enter and leave the property. As on other occasions, she did not see the tipping but heard the contents sliding out of the truck. She admits to not knowing the volume or nature of the contents. She issued SC-8993 for violation of the stop work order. On September 6, 2018, she saw 5 tri-axle dump trucks in 40 minutes enter and leave the Wallace property. She does not know their contents or volume. She issued SC-8995 for violation of the stop work order. On September 10, 2018, she saw a tri-axle dump truck and a logging truck enter and leave the property. She agreed that she had issued three summonses for violation of the stop work order, one for each load, SC-8996, SC-8997 and SC-8998.

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Mr. Morrison went through approximately 20 other dates on which Ms. LaRocca had visited the property and issued summonses. She readily admitted that she did not go onto the property of Mr. Wallace, examine the contents of the dump trucks or determine with any exactness the volume of material. She saw logging trucks unload on September 17, 2018 and on multiple dates, she saw tri-axle dump trucks with the tarps on enter the property of Mr. Wallace and leave empty with the tarps rolled up. She issued additional summonses as a result of her visits to the area.

She told Mr. Morrison about the platform on the property where trucks would go and the trucks she saw entering and leaving the property and her issuing nine summonses on December 31, 2018.

Mr. Morrison returned to May 23, 2018 and questioned her about SC-8975. She acknowledged there was no identification on the larger shipping containers on the property. He also questioned her about SC-8972 which was for multiple unregistered and disabled vehicles on the property. She pointed out the vehicles were under debris or had vegetation growing about them. Two commercial vehicles were not permitted in a residential zone. They had been parked on the property for a year. Prior to May 2018, she had been to the area a dozen times and in fact her first visit was in November 2017. All summonses issued on March 12 and 13, 2019 were issued based on police reports. The soil pile was on the property of Mr. Wallace for long before the fill ordinance went into effect in 2018.

Summonses directed to Mr. Wallace were sent to two post office boxes and both counsel requested an explanation. Ms. LaRocca testified that when she first began issuing summonses she sent them to a post office box in Vernon Township, 07462. At some point, her computer listed a new address and she learned Mr. Wallace had filed a quit claim deed with the county removing his ex-wife from the property deed. She then began sending summonses to P.O. Box 496, Sussex, New Jersey, 07461. None were returned to her office by the postal service.

TESTIMONY OF OFFICER MAINES

Officer Matthew Maines has been a police officer 24 years. On May 9, 2018 he was working the day shift, 6AM-6PM, when he was directed to Silver Spruce Drive because of neighbor complaints of dump trucks. He observed a black dump truck on the property of 3 Silver Spruce Drive. He noted it in writing and sent his report to the zoning official. On May 10, 2018, he again returned to the area because of another complaint of dump trucks. He saw a dark blue truck on the Wallace property with the load bed lifted but couldn't see the rear of the truck. He wrote a report and sent it to the zoning official. On May 14, 2018, he again was dispatched to the area and saw an orange dump truck with the bed lifted up and truck moving forward. He did not see the contents. There was other construction equipment on the property. He sent his report to the zoning official. He has not been to the area since May of 2018. He never spoke to the complainants.

TESTIMONY OF OFFICER GONZALEZ

Officer Nicholas Gonzalez has been with the Vernon Township police agency for 6 months. On May 12, 2019, he was working the day shift and was dispatched to 3 Silver Spruce Drive because of a report of a dump truck. He did not see a truck enter the driveway of the Wallace property. He did not see a truck dumping material. He stopped a black dump truck leaving the Wallace property and requested identification. The driver told him he was dropping off recyclable material. Officer Gonzalez gave the driver a business card. It is the policy of the department to write reports on stops of trucks.

TESTIMONY OF OFFICER PALMISANO

Officer Nicholas Palmisano was called as a witness. He has been with the Vernon Township police for 5½ years. On March 13, 2019, he was on the night shift and in the area of Silver Spruce Drive. He stopped a black dump truck that was leaving the Wallace property. He obtained the driver's identification and made a report for his superior officer. A back-up officer responded to the scene. Mr. Wallace also appeared with a receipt for the material that had been dumped. He was dispatched more than 10 times to this area. Not every time did he see a dump truck but he has observed dump trucks on the street 8 to 10 times during the year. He only goes to this area when directed to do so.

At the September 5th Court session, the prosecutor and defense counsel entered into a plea agreement with respect to the six motor vehicle summonses issued to Mr. Wallace so they are no longer part of this case. In addition, counsel have stipulated that the reports by the police officers which caused ordinance violation summonses to be issued are to be entered into evidence, thus obviating the need for the officers to testify.

JOSEPH WALLACE

Mr. Morrison conducted a voir dire of Mr. Wallace about his knowledge that he was not required to testify and his voluntary choice to testify. Mr. Wallace testified he wanted to testify and had not been coerced to do so.

He purchased the house, built in the 1970's, with less than five acres of land at 3 Silver Spruce Drive with his wife Laura in 1999. After they divorced, she conveyed her interest to him. He also owned the adjoining 23 acres, known as 1 Silver Spruce Drive and conveyed it to Eric Gorovoy in 2003. His girlfriend, her son and his two daughters reside at the house. When he acquired the property, sheds and containers were already on it. In a container, he kept a chain saw, lawnmowers, dirt bikes and a 4-wheeler. He denies operating a landscaping or any other business from his property. He has an excavating business in which his customers do all the paperwork. He does not own any dump trucks.

He acknowledged there were motor vehicles on the property in 2018. Two dump trucks were drivable and registered to a friend whose first name he cannot remember. They were removed six months ago. A car was registered to his girlfriend and later sold. There is a patio set which they use. In 2018-2019 there were deliveries of material to his property as shown in photographs. He described it as recycled concrete aggregate (RCA) which he obtained from recyclers and pipeline operators. He also received oak beams, mulch and retaining wall blocks. He knew what was coming on to his property. The RCA is used on his driveways and repairing Silver Spruce Drive, not for fill.

He is familiar with size and weight requirements for trucks. He never had more than four trucks come to his property on any given day so there was never a delivery of over 100 cubic yards in 2018-2019. The RCA material was delivered to his property by tri-axle trucks with 25 cubic yard capacity and 80,000 lbs. gross

vehicle weight. He never saw a truck come that was over ½ full. A small load could equate to 80,000 lbs. depending on the material. He never had a truck arrive with more than 80,000 lbs. of load. The oak beams were sent to a lumber mill to be used for flooring in his house.

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Mr. Wallace never saw the August 24, 2018 Stop Work Order from Vernon Township (S-2a) before coming to court and was not aware of it. He never received it and it was never posted on or near his property. He was aware of the Stop Work Order in 2017 from Sussex County. He was charged with previous summonses in Vernon Township Municipal Court and appealed the verdict to Superior Court.

CROSS EXAMINATION OF MR. WALLACE

His excavating work involves parking lots and property where he takes down trees. No equipment is kept at his house. His address is a post office box. The landowners do the necessary paperwork. He never had a landscaping business. Photos marked S-6 through S-17 were shown to him. He acknowledged that the photos are of different trucks on Silver Spruce Drive that made deliveries to his property. He identified exhibit S-5 as showing his canoe, rock, bluestone, a garbage can and brick. Exhibit S-3 shows class B recyclable material which can be used to retain and stabilize soil for erosion control. He never consulted with an engineer to develop a retention plan. Exhibit S-4 shows his six recycling cans or barrels laying on their sides where he deposits plastic, cardboard, papers and bottles.

He was questioned on an oral statement made in Superior Court by Jeffrey Patti, Esq. who represents him in Docket No. SSX-L-303-18, that Mr. Wallace ran a landscaping business. He never attempted to correct that statement. The prosecutor showed him exhibit S-168 which is a certification signed by Mr. Wallace on July 10, 2018. Paragraph 12 of the certification claims nothing illegal is going on at his property and if the requested restraints are put in place, he will be put out of business. The prosecutor inquired how he could be put out of business if he did not run a business. Paragraph 4 claims that ¾ of his property was washed away onto neighboring property by Hurricane Sandy. Paragraphs 8, 9 and 10 assert that NJDEP personnel investigated his property before August 2014 and found his fill was clean, his property restoration project was permitted by Governor Christie's Executive Order #104 and Administrative Order 2012-13 and the NJDEP has been at his property three dozen times as a result of phony complaints. He continued to restore his property through 2018. He never discussed with the zoning officer his claim that NJDEP had given him an exemption from state rules.

Mr. Wallace admitted that he was charged with illegal dumping at several sites in New York and was convicted and paid a fine. Mr. Wallace never told Ms. LaRocca that he was using the dumped wood for flooring. He claims the trucks on his property were registered but never provided the registrations to the zoning officer.

RE-DIRECT OF MR. WALLACE

The Certification, (S-168) involves a different case than State of NJ v Wallace where he is represented by Mr. Patti. Exhibit S-5 shows his canoe and garbage can which has been there 20 years. He never collected weight tickets from drivers making deliveries. Although he had the opportunity to speak with the zoning officer in Vernon Twp. Municipal Court, he never did. He was represented by counsel and any contact would have been through counsel. He claims his property was affected by Hurricane Sandy and he was told that the exemption referred to in exhibit S-168 covered single family houses.

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RE-CROSS OF MR. WALLACE

He claims he can eyeball a truck load and determine its approximate cubic yards. People from the NJDEP took photographs of his property but he never obtained copies or took photos of his own. Exhibit D-2, the Administrative Order was hand-delivered to him by someone from NJDEP several months after Hurricane Sandy. He relied on the document as an exemption from NJDEP to repair his property even though the only reference is to municipalities. He was told it applied to property owners. There was no time restriction and he continued his project into 2018. The document mentions 180 days to provide an inventory of damage. He has no photos of his property. He claims NJDEP did the final comprehensive list, mentioned in the Order, of damage incurred to his property.

Counsel for Mr. Wallace requested permission to submit his summation on behalf of his client in writing and the prosecutor agreed to do the same. Defense counsel was also permitted to submit a short rebuttal to the summation of the prosecutor, if he wished. Mr. Morrison's request that he be given until September 23, 2019 was granted. Nothing was received and a reminder was sent by the Court Administrator on September 25, 2019 with no response.

Mr. Morrison raised two important questions during trial. The first was his argument that Section 484-4 of the Zoning Code was vague and his client was entitled to deposit unlimited loads of less than 100 cubic yards at a time. The court finds this argument is without merit and holds that when a landowner wishes to deposit fill for whatever reason the limit without a permit is 100 cubic yards. The second issue was whether the standard for finding guilt was by a preponderance of evidence. Ordinances enacted by municipalities are quasi-criminal in nature, just like motor vehicle violations. Therefore, the standard of admissibility of evidence is "clear and convincing" and the standard for conviction on each summons is beyond a reasonable doubt. This court has used the clear and convincing standard in admitting the evidence exhibits and beyond a reasonable doubt on each individual summons.

DECISION AND SENTENCE

The testimony of Ms. Allison LaRocca was credible and backed up by over 150 evidence exhibits. She had visited Silver Spruce Drive more than a score of times to make observations and many of those times she took photographs of the property belonging to Mr. Wallace. At no time did Mr. Wallace ask her to discuss the summonses or attempt to provide an explanation of his activities.

The court finds the testimony of Mr. Wallace to be false in some aspects and not credible in others. It is plainly not true that there were never more than four dump trucks that visited his property on a given day. The claim that the material delivered was clean dirt cannot be accepted when compared to the photographs of masonry, bricks, parts of chimneys and plain trash (S-3 and S-5). The claim that $\frac{3}{4}$ of his property was washed away from Hurricane Sandy is not believable. There was no evidence to support the claim that Mr. Wallace had the permission of NJDEP to repair his property by inviting contractors to use his property as a dumping ground for debris.

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This is not the first litigation that Mr. Wallace has been involved in with the municipal court for violation of zoning ordinances in Vernon Township. The prosecutor questioned Mr. Wallace about previous summonses that went to trial and ultimately to an appeal. Those previous summonses were not part of the evidence in this trial nor was any of the testimony or exhibits in previous matters a part of this record. The litigation before this court begins with the issuance of a Zoning Violation Notice on April 23rd, 2018.

Mr. Wallace testified that only half full, no fully loaded, dump trucks ever entered his property and while this is highly suspect, there is no proof to the contrary. Ms. LaRocca testified she never examined the trucks to identify the size or contents of the loads. Accordingly, the court must find that it took at least eight trucks to dump more than 100 cubic yards of soil on the Wallace property, thereby violating Section 484-4. That requirement was fulfilled on May 3, 2018 when 11 tri-axle dump trucks were photographed entering the Wallace property and dumping their loads. The summonses will be dealt with as they are presented in Court Exhibit 1.

SC-8976 was the first summons issued by Ms. LaRocca. Because of uncertainty as to whether it was for violations on May 3 or May 9, Mr. Wallace is found **Not Guilty**.

SC-8977 was issued May 10, 2018 based on the police report of Officer Maines whose report indicates he did not see dumping. Mr. Wallace is found **Not Guilty**.

SC-8978 issued May 14, 2018, was based on the police report of Officer Maines whose report indicates he saw an orange dump truck dumping its load on 3 Silver Spruce Drive. Beyond a reasonable doubt Mr. Wallace is **Guilty**. Fine - **\$500**

SC-8979 issued May 16, 2018, was issued based on the police report of Officer Martinez whose report does not indicate he saw dumping. Mr. Wallace is found **Not Guilty**.

SC-8980 issued May 17, 2018, was issued based on the report of Officer Gales whose report indicates he arrived at Silver Spruce Drive for a reported accident and later witnessing one of the dump trucks dumping material at the Wallace property. Beyond a reasonable doubt Mr. Wallace is **Guilty**. Fine - **\$500**

SC-8968 issued May 22, 2018, by Ms. LaRocca was based on her observations that more than 15 large dump trucks had entered the property and dumped their loads and her conclusion that more than 100 cubic yards had been dumped without a permit. Beyond a reasonable doubt Mr. Wallace is **Guilty**. By this time Mr. Wallace knew that summonses were being issued. Fine - **\$1000**

SC-8972 was issued May 23, 2018 by Ms. LaRocca based on her observations. Her testimony indicated the vehicles were under debris & had vegetation growing around them. Beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$500**

SC-8973 issued May 23, 2018 alleges parked commercial vehicles in a residential district. This is proved by S-21 to S-27. Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$500**

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SC-8974 issued May 23, 2018, alleges outdoor storage of construction debris. Exhibits S-3, S-5 and S-28 provide the supporting evidence that Mr. Wallace is Guilty beyond a reasonable doubt of this summons. Fine - **\$1000**

SC-8975 issued May 23, 2018, alleges having four or more storage containers as accessory structures. Mr. Wallace confirmed he had these storage containers and beyond a reasonable doubt he is found **Guilty** of the summons. They can be easily removed. Fine - **\$500**

SC-8686 issued July 26, 2018, alleges running a business in a residential zone. The activities observed taking place at the property of Mr. Wallace certainly meets the dictionary definition of a business. Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-8692 issued August 30, 2018, alleges violation of the Stop Work Order (SWO) issued by Ms. LaRocca on August 24, 2018 shown by Exhibits S-38 and S-39. This court does not accept Mr. Wallace's testimony that he did not receive this communication from Ms. LaRocca. He knows she is serious about the alleged violations. He is found **Guilty** beyond a reasonable doubt. Fine - **\$2000**

SC-8993 this summons alleges a violation of the SWO. Ms. LaRocca observed activity violating the ordinance on September 5, 2018 as shown in Exhibits S-40 to S-44. Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$2000**

SC-8995 On September 6, 2018 Ms. LaRocca observed and produced photographs marked S-45 to S-57 proving the violation of the SWO. Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$2000**

SC-8996, SC-8997 and SC-8998 were issued September 10, 2018 for the violation of the SWO as shown in exhibits S-58 to S-67. The latter two are merged into SC 8996 for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$2000**

SC-8999 was issued by Ms. LaRocca, who observed on September 11, 2018, the violation of the SWO by dumping as shown in exhibits S-68 to S-73. Mr. Wallace is found **Guilty** of this summons beyond a reasonable doubt. Fine - **\$2000**

SC-9002 alleges dump truck activity on September 13, 2018 as shown in exhibits S-74 and S-75. She also photographed a Stop Work Order posted by order of the Sussex County Soil Conservation District (S-76). It is not possible that Mr. Wallace was unaware of the illegal conduct on his property. He is found **Guilty** of this summons beyond a reasonable doubt. Fine - **\$2000**

SC-9003 and SC-9004 were issued after Ms. LaRocca saw and photographed flatbed trailers with used, worn beams with holes being dumped on the property on September 17, 2018 (S-77 to S-83). The court does not believe the testimony of Mr. Wallace that he wanted this wood for flooring because it is old, misshapen and full of holes. The second summons is merged into the first and Mr. Wallace is found **Guilty** of the violation beyond a reasonable doubt. Fine - **\$2000**

SC-9005 was issued after Ms. LaRocca photographed dump truck activity on September 18, 2018 (S-84 to S-86). Mr. Wallace is **Guilty** beyond a reasonable doubt of this summons. Fine - **\$2000**

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SC-9006, SC-9007, SC-9008 and SC-9009 issued for violation of the stop work order were issued September 25, 2018 after Ms. LaRocca observed and photographed loaded trucks dump loads and leave the Wallace property (S-97 to S-106). The latter three summonses are merged into SC- 9006. The evidence clearly shows a violation and beyond a reasonable doubt Mr. Wallace is **Guilty**. Fine - **\$2000**

On December 17, 2018 Ms. LaRocca issued four summons and took photographs S-107 to S-114.

SC-9125 alleges placing soils without a permit which is proven by exhibit S-113 and Mr. Wallace, beyond a reasonable doubt, is **Guilty**. Fine - **\$1000**

SC-9186 and SC-9191 allege violations of the SWO. The second is merged with the first and, beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

SC-9192 alleges operating a business in a residential zone which the evidence proves beyond a reasonable doubt. Mr. Wallace is found **Guilty**. Fine - **\$1000**

On December 19, 2018, Ms. LaRocca issued three summonses and took photographs (S-115 to S-117).

SC-9126 alleged placing soils without a permit. Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9187 was also issued on December 19, 2018 for operating a business in a residential zone for which, beyond a reasonable doubt, Mr. Wallace is **Guilty**. Fine - **\$1000**

SC-9188 alleged violation of the SWO for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

On December 20, 2018, Ms. LaRocca issued three summonses after photographing a silver dump truck drop its load (S-119 and S-120).

SC-9127 was for placing soils without a permit and, beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

SC-9189 alleged violation of the SWO for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9190 alleged operating a business in a residential zone for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

On December 26, 2018, Ms. LaRocca issued three summons based on a visit to the location and supported by photographs (S-121 to S-123).

SC-9128 issued for placing soils without a permit for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9129 for violation of the SWO for which Mr. Wallace is **Guilty** beyond a reasonable doubt.

Fine - **\$1000**

SC-9130 for operating a business in a residential zone for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

On December 28, 2018, Ms. LaRocca issued three summonses after seeing and photographing the same dump truck she had seen on her previous visit (S-126 to S-128).

SC-9148 is for violation of the SWO for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9149 for operating a business in a residential zone for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9150 for placing soils without a permit for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

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Seven summonses were issued December 31, 2018 after Ms. LaRocca took photographs (S-129 to S-135)

SC-9151 was for violation of the SWO for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9152 for placing soils without a permit for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9153 for operating a business in a residential zone for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9154 for violation of the SWO which is merged into SC 9151

SC-9155 for placing soils without a permit which is merged into SC 9152

SC-9156 for operating a business in a residential zone which is merged into SC 9153

SC-9157 for violation of the SWO which is merged into SC 9151

SC-9158 for placing soils without a permit which is merged into SC 9152

SC-9159 for operating a business in a residential zone which is merged into SC 9153

On January 2, 2019, Ms. LaRocca photographed a red dump truck dumping its load (S-136 to S-138) and issued three summonses.

SC-9160 was for violation for the SWO for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9161 was for running a business in a residential zone for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9162 was for placing soils without a permit that is proven by the photographs and beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

On January 4, 2019, Ms. LaRocca took photographs (S-139 to S-141) showing dump truck activity and issued three summonses.

SC-9164 was for placing soils without a permit for which, beyond a reasonable doubt, Mr. Wallace is **Guilty**. Fine - **\$1000**

SC-9165 for violation of the SWO for which, beyond a reasonable doubt, Mr. Wallace is **Guilty**.

Fine - **\$1000**

SC-9166 for running a business in a residential zone which, beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

On January 7, 2019, Ms. LaRocca photographed a dump truck dropping its load with an earth mover in the background (S-148 to S-150) and issued three summonses.

SC-9167 for running a business in a residential zone which, beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

SC-9168 for placing soils without a permit which the photographs confirm and beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

SC-9169 for violation of the SWO for which beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

January 9, 2019 was the next visit of Ms. LaRocca who took photographs of the activity on the property (S-145 to S-150) and issued five summonses.

SC-9170 was for violation of the SWO for which beyond a reasonable doubt, Mr. Wallace is **Guilty**. Fine - **\$1000**

SC-9181 was for running a business in a residential zone for which beyond a reasonable doubt, Mr. Wallace is **Guilty**. Fine - **\$1000**

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SC-9182 was for placing soils without a permit which the evidence proves and Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9183 was for violation of the SWO which is merged into SC-9170

SC-9184 was for running a business in a residential zone which is merged into SC-9181

SC-9185 was for placing soils without a permit which is merged into SC-9182

On January 17, 2019, Ms. LaRocca took 11 photographs showing a lot of activity on the Wallace property (S-151 to S-161) for which she issued eight summonses.

SC-9193 was for placing soils without a permit which the evidence proves Mr. Wallace is **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9194 for violation of the SWO for which beyond a reasonable doubt, Mr. Wallace is found **Guilty**. Fine - **\$1000**

SC-9195 was for running a business in a residential zone for which Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

SC-9196 for placing soils without a permit which is merged into SC-9193

SC-9197 was for violation of the SWO which is merged into SC-9194

SC-9198 was for running a business in a residential zone which is merged into SC-9195

SC-9199 for violation of the SWO is merged into SC-9194

SC-9200 was for running a business in a residential zone which is merged into SC-9195

On January 28, 2019, Ms. LaRocca visited the area and took photographs (S-124 and S-125) and she issued two summonses.

SC-9138 alleged two commercial trucks stored on the property. They do not appear to be stored at the location of dumping so Mr. Wallace is found **Not Guilty**.

SC-9139 was for running a business in a residential zone. The earthmover/bulldozer pushing soil around prove some type of business activity is occurring and Mr. Wallace is found **Guilty** beyond a reasonable doubt. Fine - **\$1000**

Ms. LaRocca issued six summonses on March 12 and 13, 2019 based on the reports of police officers who were called to the area. Counsels have stipulated to admission of the police reports.

SC-9221, SC-9222 and SC-9223 were issued based on the report of Officer Gonzalez who did not see dumping or business activity. The conversations with truck driver Tapia and Mr. Gorovoy are inadmissible hearsay. Mr. Wallace is found **Not Guilty** of these summonses.

SC-9224, SC-9225 and SC-9226 were based on the report of Officer Palmisano who observed a dump truck leaving 3 Silver Spruce Drive and performed a motor vehicle stop. The driver, Jose Tapia said he had dumped recycled material on the property of Mr. Wallace. Mr. Wallace arrived and confirmed the deposit of material which statement is admissible under Evidence Rule 803 (c25). Mr. Wallace is found **Guilty** beyond a reasonable doubt on **SC-9224** and the other two are merged into it. Fine - **\$1000**

The fines assessed against Mr. Wallace will probably not be paid in full or in part. Mr. Wallace believes he is above the law and will resume his dumping activities at 3 Silver Spruce Drive or somewhere else.

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INCARCERATION

The above facts and decisions on the numerous summonses evince a disregard for the ordinances in Vernon Township and its zoning officer by ignoring every summons. He has a single-minded purpose to build a landfill, and has ignored all

reasonable efforts to stop his activities. However, there is more to this case and others like it in New Jersey. We live in one of the most densely populated areas in the country and land available and safe for a landfill is scarce. As a result, tipping fees are expensive. There are developers, builders and contractors anxious to dispose of solid waste in any manner if it can be done without leaving fingerprints, i.e. no papers or forged papers. Mr. Wallace has shown contempt for the Township, blatant disregard for the rights of his neighbors by inviting hundreds of dump trucks onto a private road, accepting debris of all kinds without any concern about what carcinogens it might contain, continuing to accept illegal materials during the pending of litigation, resisting county and state efforts to stop his activities and causing neighboring properties to lose value and perhaps become unsalable. He has not retained a soil engineer to comply with soil erosion and sediment control plans and photographs in evidence indicate the potential of environmental disaster. Mr. Wallace believes he answers to no one and has a total unconcern for the welfare of his fellow citizens.

The only way to convince Mr. Wallace, and others, that this activity will not be tolerated is to issue a most disagreeable, but necessary penalty. I hereby sentence Mr. Wallace to 90 days straight time in the county correctional facility, 60 days of which will be suspended if Mr. Wallace ceases all his dumping activities. Mr. Wallace is to report to the Vernon Township police headquarters on October 9, 2019 at 9:00 AM for processing and transfer to the correction facility to serve his sentence.

The court believes Mr. Wallace is a flight risk and accordingly will stay the sentence on application of defense counsel on condition that Mr. Wallace surrender his passports for safe keeping to the Vernon Township Municipal Court Administrator who will retain them in her safe until ordered to return them to Mr. Wallace.

October 2, 2019

Date

James D. Bride, JMC

James D. Bride, JMC