

Dump Trial Is Recessed

Mrs. Elizabeth Scully, New Hartford, testified here in Supreme Court yesterday her family had operated a trash-collection route since about 1930. She said no complaints arose until about two years ago.

She and her son, Homer, took the witness stand in their own defense in the non-jury trial concerning the dump on the Scully property located on Valley View Rd.

The Town of New Hartford and John Ray, an adjacent property owner on Valley View Rd., are seeking a permanent injunction against continued operation of the dump.

Justice E. Howard Ringrose recessed the trial until 10 Monday. Dr. Joseph P. Coco, Utica public health commissioner, was expected to take the stand then.

MRS. SCULLY stated that she and her late husband had moved to the present property about 1923. She said they began collecting trash about 1928 or 1930. She said they received no complaints prior to about 1959, when the Rays moved to the adjacent property.

Homer Scully said he had accompanied his father on the trash route in trucks as early as about 1936. He said he conducted the collections now.

W. Arthur Benton, who formerly owned the Benton farm that is now the Benton Hills residential area, testified that the Scullys had collected trash for many years. He said he had paid them on a regular basis for collecting his trash.

Attorneys for the plaintiffs had called several witnesses, including New Hartford officials and residents of the South Utica area, Wednesday and Thursday.

These people testified about the smoke emanating from the dump. The attorneys for the plaintiffs also submitted exhibits photographs of the smoking dump and surrounding area.

Attorney Lawrence J. Galt has represents the Scullys. Attorney Anthony J. Farnicola represents Ray, and Vincent E. Yetter, the town.