

# Injunction Is Denied In Dump Fire Case

A Supreme Court justice this morning ruled with Shakespeare that the sound and fury (and smell) from a long-smoldering dump fire signified nothing.

Judge Donald Gorman took a page from Lady Macbeth and denied a motion for a temporary injunction sought to prevent a New Hartford private dumping company from continuing to heap tinder (garbage) on the fire.

Gorman urged attorneys Anthony Fericola, representing the town of New Hartford as well as two residents, and Lawrence Goldbas, counsel for Homer and Elizabeth Scully, the dump operators, to bring the case to trial promptly.

After an appeal by Fericola for the temporary injunction, Gorman ruled that because the fire had been smoldering since last Nov. 19, "it did not represent a serious present danger to residents."

TODAY'S motion climaxed two months' action by the Town Board to close the Scully-operated dump on Valley View Road.

Fericola made the claim today that the dump was in violation of town zoning ordinances.

He brought into court five witnesses, including three attorneys, who were expected to testify to the presence of noxious odors emanating from the smoldering fire.

Gorman refused to allow Fericola to call witnesses "unless they could tell something more than you (Fericola) have told about the present peril there."

Fericola said residents have been complaining for two years about the presence of the dump as a nuisance. He said the odors were particularly bad below Valley View Road, in the area around the Parkway.

He also represented John and Alberta Ray, town residents who brought a complaint against the dump several months ago.



OUR FIRST  
CONSIDERATION AT

JOHN

IS  
QUAL