

Chapter Two
The Coming of Democracy
1952-1960

Undoubtedly, there was a change in the modes and perhaps the ambience of Village government when the Mayor and his Trustees started to work. For one thing, there were annual mayoral letters to the voters, candid and complete, lawyerly and Biblical, and at times avuncular. The new Mayor began his letters, year in and out, with an invocation: "This is a letter about the Village of Upper Brookville, in which we live and have our being, and to which we pay Village taxes." He was pleased to announce a twenty-nine cent rate in August, 1952, but added the caveat that since a change in fiscal year had necessitated a nine-month intercalation, it only seemed to be lower; really, it was thirty-five cents. In 1953, after what was to be a standard thumbnail sketch of the history of the Village for newcomers, he warned that School District #3 in East Norwich sought a parcel on Mill River Road in the Village, which, if used for school purposes, would be lost to the tax rolls, meaning that residents would be paying school taxes twice over, so that this incursion should be resisted. He ran in a complete estimated budget for the coming year, showing income, cash balance, and all expenses, with comparative figures for ten years before, showing how the total to be raised through Village taxes had climbed from about \$12,000 to about twice that sum. In this context, another homily: "If we don't budget, we can't spend. If we budget for snow and the snow doesn't come, then we credit the surplus to next year's budget."

That done, the Mayor moved, paragraph by captioned paragraph, through the principal interests of readers: police, fire protection, zoning, and so on, including always a calendar of Village events. In the appropriate

place, he drew on the good will of all, in that they should not make things difficult for the Clerk in matters taxational, for she was only doing her bounden duty. The Clerk, otherwise Mrs. Dean, recalls that no one ever was nasty, but that some forgot to pay, going here and there on vacation just at tax time.

It is also irrefragable that there was a commensurate increase in the voting population--that is, those who actually came out to vote. In 1953, there were seventeen names, larger than the norm in the old days. (Years later the tally once climbed to 166, an almost extraterrestrial figure, for an election involving a write in for Edward Fucillo and Marce Sola, although the Citizen's Association ticket--Maitland Edey, Alfred Seaman, James Thomas--won handily).

Sometimes Mayor Dean missed the meeting, usually in 1953-54 because he was absent in Korea, involved, as the American Ambassador, in the US attempt to negotiate the terms of settlement for the Korean War. The team lived in a tent (he recalls), and in cold weather--50° below--manure was piled up around it to keep in the warmth (and the rats). Dice were carefully rolled to determine whether a hut at Panmunjom belonged to one side or the other. That settled, there was the problem of the stove, which stood in the hut but on the North Korean side of the 38th parallel. No American could cross the line to stoke it. From this, a man would hurry home!

A minor budget outlay--always under \$1,000--was for Civil Defense. The Village was in the Brookville Civil Defense Area, Unit 302 of the Nassau County system, which was of course linked to ever higher units. At the end of the decade, the Acting Director was Mrs. Dartt, who followed Mrs. Dean as Clerk/Treasurer in 1958, and whose CD headquarters were in a tiny office just off the stage in the Brookville School. In the early years of Mayor Dean's incumbency, CD was evidently largely nominal. However, in

kind whatsoever... unless willing to pay \$100 as fine, and to be known as a disorderly person. Shortly thereafter--mid 1951, that is--the Board ordained a painted line down the middle of Mill River Road, and recognized too the need of a parking ordinance. To these were added regulations aimed at "muffler cutouts," trucks, bonfires, picnicking, hawking, and so on.

More immediately portentous was the advent of the sand miner. The land involved was that of the late James Byrne, a 160-acre lot on the northeast frontier with Oyster Bay. Late in 1949 Frank Faraco purchased the lot, seeking to "grade" about fifty acres of it; in 1951, the Lizza Brothers began to mine on this parcel. Here was the start of a round of litigation, which would be followed by others, for the Village was determined not to lose its substance to raw and unsightly sand pits.

In these years, the incidence of litigation starts to increase significantly. There was the gunning matter, for example. In late 1945, the Trustees returned to the gunning ordinance, which must be supplemented with "No Hunting" signs. In due course--it was in January of 1947--there was a prosecution under the gun code at the District Court in Oyster Bay. The following May brought news that the judge had released the shooter on the grounds that the gunning ordinance was unconstitutional, a ruling which the Village set itself to appeal. Arthur Dean, Wall Street Attorney, offered to argue the case without charge, and in June, the Minutes report that other villages would join in the test of constitutionality. A year later (November, 1948), the Trustees heard complaints about "indiscriminate gunning in the Village," and called for strict enforcement of the ordinances, which had not been struck down.

It was not coincidental that the Village Attorney in September of 1950 advised the Board that he would need

mid-1955--this might be linked to apparent Sino-Soviet cooperation--The Record and Pilot of Glen Cove told of plans in the Brookville CD Welfare Service, which had arranged to receive homeless persons at the Brookville Country Club in the event of enemy attack. By January of 1958, the Locust Valley Leader gave a picture spread to meetings of the Brookville unit, with a shot of the attached seventeen-man Auxiliary Police in new uniforms, and another of Read Taylor, the Chief Warden, explaining "the techniques of home protection." In July of that year, Mrs. Dartt reported plans for an alert brought on by Middle East tensions. There would be a siren emplaced at the school, with Washington footing half the bill. The Acting Director wrote to Mayor Edey:

the siren will be erected on school grounds near Remsen's Lane where three-phase electricity is available at no extra cost. Henry [Wickham] held an emergency meeting and all approved who were here. The siren will sound only on Saturday noon and for CD drills or in the event of an Emergency!

New uniforms for the Auxiliary Police were also partly paid for out of federal funds. In April of 1959, the unit held a test, with traffic direction by the Auxiliaries (and more national funding). At the end of that year, the Board noted that a model fall-out shelter had been built on Mill River Road, with CD endorsement.

The Russian UN Mission and Upper Brookville

In September, 1952, the question of what would become of the Mill River Road estate of the late Governor Miller, and its great Norwich House (with indoor and outdoor pool, billiard and sun rooms, etc.) was finally solved: it was sold without fanfare to the Russian delegation to the United Nations, acting through Jacob Malik, its chief, whose government paid \$80,000 for it. It was to be used as a retreat for second-level members of the Russian UN

mission, those in the ambassadorial entourage being quartered in Killenworth, with its 45-room mansion, the former estate of George Dupont Pratt on Dosoris Lane in Glen Cove, purchased at about the same time. Early in 1954, the Village Attorney advised the Board (then otherwise concerned with the depredations of a sand miner) that the USSR was not paying taxes on the estate, then valued at some \$117,000 so that the tax amounted to over \$500. The Russians claimed diplomatic immunity, citing the UN Charter and related agreements between the US and the UN. The Village disagreed, partly on the ground that the Miller place lay outside of the fifteen-mile radius specified in the cited treaties, and decided to hold a tax sale, its first, under New York State real estate law. Accordingly, the sale, duly posted was held on March 9, 1954, at the home of Mayor and Clerk Dean. As a reporter for the Pilot put it:

About the nicest tax sale we have ever attended was that carried on Tuesday morning...The business of the day took place in the big Dean living room, and we all sat in deep arm chairs, there was a roaring fire in the fireplace...'I am not used to this sort of thing,' said the photographer from Newsday, aghast. 'They don't do things like this on the south shore.' There seemed to be some sort of poetic justice in the event, because of course Mr. Dean was the United States truce negotiator, the man who was the subject to all sorts of Russian attacks while he was in Korea. But he wouldn't dwell on that subject, getting right down to business and calling the auction at exactly two minutes after ten. 'I have checked with the phone company and my watch is right,' he explained. 'I don't want the Russians to think we are doing anything illegal.' The only bidder, of course, was Joe Harris of

Baldwin, a likeable little man who appears to buy up these tax liens as something of a hobby...'I sort of get a kick out of this,' said Mr. Harris...

The Russians did not appear--their dealings with the Village at this time and throughout being through the stately mediation of a New York law firm--but they had called the Village Attorney before the tax sale, such sales apparently being unfamiliar to them, to ask if the property itself would actually be under the auctioneer's hammer. Not so, they were advised; they would have two years in which to redeem the lien.

The matter being still outstanding, a second tax sale on the Russian property was held in March of 1955, being almost a clone of the first. Thereafter, for a while, the account was squared, but under protest. Legislation was also introduced into the New York legislature which eliminated the fifteen-mile radius in cases of this sort, but that takes the story into the 1960's.

The matter of tax exemptions became more pressing with the death of W. R. Coe a week after the second Russian sale. What effect would the passage of his great holding to the State have on the tax rate? Would there be a payment for 1955?

Miscellaneous Village Concerns

Police Reports for the decade record the first mail box vandal (1953), and a vandalistic episode at the Brookville school, and a brush fire started by young people playing with matches. It also records that two youths were pulled over for racing at 100 miles per hour (and fined \$100, and jailed a month). We learn from the Minutes of a new ordinance at the end of 1953 directed in part at "malicious mischief." More: there was even a youthful suicide on the Coe place in 1954, and a rape there as well two years later. But these laconic reports seldom give ages or addresses, and amid the welter of

traffic summonses, aided-person notes (a woman bitten by a horse, for one), dog bites, lost persons (one was found in his bed, asleep!), and burglaries (perhaps one per year in these halcyon days)--and drunks (hardly as many as the last)--one does not see the youthful profile which later emerges.

Some of the complaints coming to the Board still had to do with gunfire, which shattered the tranquility of many, and so early in the Dean incumbency there was a move to tighten the ordinance yet again. For one thing, as of 1955, no rifles were permitted, although one might use a shotgun on one's own place, under the old terms. But there were misunderstandings about the giving of permission to shoot on home property, and particularly relative to the 500-foot safety-zone around dwellings, rats and crows being notoriously indifferent to such refinements. Hence there was an easement, so that it was to be "reckless firing" that was prohibited, and another in the matter of skeet shooting (although that brought many expostulations from neighbors) so that it was necessary to seek police permits only if there were a dozen shooters, two more than hitherto fixed as the maximum.

Some owners--Edey and Dean, for example--personally flushed out interloping hunters; "the police gave us permission" was the standard prevarication. Edey in fact gave up shooting entirely. But still, when Mayor, he wrote: "The two ordinances which seem most troublesome to residents are those which have to do with gunning and with stray dogs"--a formula which appeared verbatim in mayoral letters, until 1965.

The first notice of the actual change in the status of the Coe place appeared in the mayoral letter of mid-1957, which observed that the estate, assessed at nearly one million dollars, was then being used as a temporary site of a new unit of the State University of New York, which was to be permanently sited at Stony Brook.

In this way the total assessed value of the Village was pulled down to 5.9 millions. The transfer (the Mayor pointed out) would reduce the share of the Village in police and fire protection calculations, based as they were on assessed valuations, but it would increase the tax rate "and raises anew how much exempt property a Village of our size can support." Elsewhere, he listed as exempt areas the Catholic Cemetery, the Brookville School, and the property on which the police station stood. Soon the portion of the Kollsman place taken by the East Norwich School was added, as was the Coe place. For some reason, the Brookville Cemetery did not always appear on these enumerations, but the omission was an oversight.

Growth, Development

Although at any time in these years the placid charm of the Village might have seemed to be total--as indeed, it is still, to the casual observer--there were inexorable changes at work. Mayors were at pains to tabulate indicies: in 1943, there were sixty taxpayers; in 1953, 150, and in mid-1955, 172. Two years farther along, the figure stood at 206, and Mayor Dean, departing from an annual formula in these matters, inserted that the total population was 700, adding further:

As open farm land is developed into residential plots and larger parcels of land are subdivided for develop-

ments, new roads are added [elsewhere he had added Pine Valley Road, Cedar Ridge Road, and the Knoll to the list which had been unchanged since incorporation], the number of Village residents increases and the problems and expenses of the Village multiply.

Total assessment had been 5.9 millions in 1957; in 1958, it was 6.3 millions. In 1958, 237 people paid taxes to the Village--and in 1960, there were 273 of them, in a total population of 1,000, and the Village was assessed at

6.8 millions.

Development is a word much used, in all sorts of contexts. There are by far more items under this heading in the Dean-Edey Minutes than there are in any other category. As Edey recalls it, there was suddenly "a rash of applications for subdivisions, roads, and the like," for which the Board was unprepared. Thus:

In January, 1954, two entrepreneurs sought to open a golf club, protesting that the existing zoning regulations, which required that at least half of the membership be drawn from the Village itself, was too restrictive. To urge on their case, they threatened the Board that if their proposal were denied, they'd build "as dense a housing development as zoning will permit." A hearing was duly held, at which many villagers opposed the idea, and the Board subsequently denied it.

Early in 1955, another side effect of growth appeared. The police arrested three Chinese peddlers selling magazines to new residents. Mrs. Dean recalls a vendor who came to her door with a plausible patter, trying to sell once he gained admittance. He became "livid with rage" when she remonstrated (she also noted that he had red hair), and it was only with difficulty that she got him off the premises.

At the end of 1955, another developmental problem presented itself: the Board recognized that it must limit truck weights to five tons--and again turned its attention to unauthorized nursery activities on Rte. 25A. These appeared again in the Minutes early in 1956 (see "Litigation", page 43), with the addition of the Cohen's Corner complex of gas station-cum-body shop.

March of 1956 (the Board having just discussed the need to install radar speed devices on Rte. 25A) brought a hearing on a maze of growth-induced problems: fences, setbacks, gun control, minimum house size, commercial activity, display of produce, etc., to which eight taxpayers

came. The Board wondered if a rate increase must be made to accommodate unusual road-maintenance costs and the likelihood of zoning litigation. The increase in Village business necessitated the addition of a deputy Clerk-Treasurer to the roster of appointees (it was Joan Ault) in the spring of 1957. Mrs. Dean, in a wry recollection, told of adding tax bills with a pencil, which sometimes produced mistakes--which were masterfully discovered by her husband, among other things an erstwhile banker. "That just burned me up!" The Village soon supplied an adding machine.

An unusual challenge indeed appears in February of 1958, when a ski-tow materialized on the property of Oscar Summers, in the northeast hilly quadrant; the Board declared a violation. In his mid-year letter, newly-elected Mayor Edey, announcing a 10¢ jump in the tax rate, to 84¢, observed:

The cost of goods and services has risen fairly steadily during the life of the Village, and the continuous decline in the value of the dollar has been reflected in the tax rate. There has also been an increasing demand for services as the community has grown, which is another way of saying that the gap between operating costs and assessed valuation will widen, not shrink, as the Village continues to grow. This tendency is common to all municipalities and explains in part the rise of the Village tax rate since World War II--those are the years during which the Village has experienced its greatest growth.

In particular, there had been a rise in the cost of the police force, and also the State was for the first time demanding an annual tax to the local water district of \$30 on each of the ninety hydrants in the Village. As for burgeoning demand for services, the Mayor might have pointed to the unprecedented item of \$8000 for highway

maintenance in that 1958 budget.

Receiving roads was a complex process, demanding, among other things, careful attention to underlying construction, so that the Village would not be saddled with the cost of rebuilding after shoddy workmen. The Linden Lane residents were anxious for acceptance of their chief artery; Mayor Edey recalls phone calls about snow plowing. It was the pressure of this group, led by John Matz, which moved the Board (Edey went on) to reconsider dedication policy, and to think more on a Master Plan. However, J. Burchenal Ault, the Trustee with responsibility for roads at this time, personally tested Linden Lane with a pickaxe, finding only two inches directly above the sand. To effect rebuilding, however, called for a lengthy action involving the builder (who could not be located) and the bonding company. It is interesting that in the 1960 Mayoral letter, voters read of a new official, the Engineer, who was Sidney B. Bowne. In the meantime, Friendly Road, developed by Arthur Ringewald, was offered and accepted as a Village road, as was Highland Road offered, but not accepted.

The Master Plan

Late in the summer of 1958 came word that the Town of Oyster Bay was about to rezone. The villages asked John J. Burns, Town Supervisor, to delay implementation while they hired an expert to look into the ramifications. The Board of Upper Brookville was increasingly inclined to make its own plan. Meanwhile in the late months of that year there was talk of a County Master Plan, and the name of agencies such as the County Planning Commission and the Regional Planning Association obtrude into the Minutes. In passing, note another approach to the County in the Gordian Mill River Road problem, late in 1958.

Other implications of growth were reflected in the fact that in October of 1958, the police attended an FBI institute at the Brookville School, with stress on Topic

One: Burglary Investigation. In that year, the police received over 150 calls about suspicious persons. A different response to growth is seen in the action of the Board early in the decade of 1960's, whereby it increased the membership of the Board of Zoning Appeals from three to five persons. Meanwhile, the applications kept coming in. For example, in February of 1959 there was one to use six acres at the southeast corner of Cedar Swamp and Rte. 25A for a private school. The question of how auxiliary buildings were being used came under discussion. In his mid-1959 letter, the Mayor rued the fact that for the first time, a child was killed in the Village in a highway accident--"through traffic is increasing every year, and parents are urged to keep small children away from highways." In July of that year, a hearing on frontage requirements brought an unusual ten persons out; indeed, there were two hearings in as many weeks, over the controversial plans of the developer Ringewald.

Francis Dodd McHugh, a professional planner from New York City, was retained at a fee of \$5,250 to study the Village and to create on the basis of his conclusions a Master Plan. As the Mayor explained the move to his constituents:

Concerned by the rapid growth of the Village, and aware of the disastrous effects of such growth on other communities, which have been allowed to develop without coordination of plan, your Trustees after long deliberation have decided to retain a professional planning consultant....

The planner was thorough. His assumption, as he put it in his "Comprehensive Master Plan," was that "the desire of virtually all residents is to remain as much of a country community as possible." There were many areal variables. Transportation was a major consideration. The Village depended mainly on the automobile and on the railroad. Stations ranged from nearby (Locust Valley) to

"distant" (Manhasset and Syosset). The projected Long Island Expressway and the Seaford-Oyster Bay Expressway would of course multiply pressures on Upper Brookville. Traffic had indeed already tripled in the post war years, and by 1980--McHugh was told to plan for twenty years--it was expected to double again.

The New York Regional Plan Association saw ample land within New York's commuter area, ample to accommodate future growth in single family homes, so that intensive development of the Village was "neither inevitable nor desirable." Estimates were that the County, growing at two percent, would have 1.4 millions in 1957.

And so, taking account of topographical features of the Village--wooded, steeply sloped, or relatively flat and open--McHugh called for "close development" (two acres) in certain portions, but "open development" by larger "country estates" in others. He found that in 1959, existing land use in the general area showed twelve percent given to residences built on plots of two to five acres, and thirty-five percent to estates of more than five acres, the balance taken up by uses such as farming, schools, and so on. The central idea in the Plan was to give more of the land in the Village to "open development," so that in 1980 the proportions would be forty-two percent so classified, with thirty-eight percent taken up by the "close" two-acre category. McHugh projected 186 single-family dwelling units on "open" estates, and 396 on two-acre parcels, when the Plan was fully mobilized.

The original Plan presented to voters in a hearing on June 3, 1960, actually called for three zones, that is, the "open" category was to embrace some estates with eight acres or more, as well as those with five at least. All of this was outlined to voters before the hearing, by letter from Mayor Edey. Full attendance was urged and, it turned out, the school was crowded by 209 persons. They heard of "severe and growing population pressure," which

had quintupled Village population from 200 in a generation. Its prime asset--open land and trees--could be protected only by a plan, to offset the sale by older estate owners, under pressure of taxation, of all or part of their land. Increases in homes and subdivisions must result in a sharp rise in the tax rate, a vicious cycle. Hence, in areas least amenable to the present two-acre system, the minimum lot size must be increased. In the northeast of the Village, one found the biggest--and the steepest--parcels, and the eight-acre minimum was indicated for this "empty" zone. In the central area, one found heaviest concentrations, where the two-acre standard was suitable. Between these two extremes, there was to be a five-acre intermediate zone. Under this Plan, the population would go to 1,850 persons. About ten people questioned this or that aspect of the report, but in general, the audience was supportive.

A second hearing was set for August 2, and the Board had provided for a stenographic transcript. A spokesman for one of the last large holders, H. P. Davison, with 120 acres, opposed the eight-acre zone, for this would make it more difficult to sell land if need be or would pull down values on the big places while holders of two-acre parcels would benefit. There were tax implications as well as personal ones involved. The Village embraced 2,725 acres; the largest places in the northeast accounted for about 400 of these. Burchenal Ault, chairman of the Planning Board (his colleagues were Randall M. Dubois, Lindley G. Miller, James A. Thomas, Jr., and Henry P. Wickham) felt that the focus should not be on real estate values, but rather on the preservation of beauty and the rural character of the Village. But discussion was concerned with the values. About fourteen villagers delivered opinions at this meeting, which was a warm one, and not only because it was held in mid-summer.

A week later, villagers reassembled, and once again a

verbatim record was kept. At times, the transcript is not clear but the same type of discussion was repeated. There being no apparent consensus, Mr. Trachman, a member of the Board of Zoning Appeals, suggested adjournment of this third hearing, for a later resumption.

In the meantime, the Board of Trustees continued with the usual assortment of agenda items. There was the aftermath of the Bruen fire just after Christmas in 1959 (two old wooden buildings in one; some of the residents had to jump for it; neighbor Dean said there was no way the fire department could have done more). Since the house had been razed, taxes were refunded. Mrs. Coe protested the tax on her life-interest portion of her late husband's estate, and was also accommodated. Locust Lane was accepted as a Village street, but the acceptance of Donna Drive (the names of streets in the Brookville Gate development were, incidentally, those of relatives of Dale Carnegie, an influential friend of the builder) was deferred. And again, the Board refused to permit a convalescent home in the Village.

The reconvened third hearing on the Plan converged on the schoolhouse on September 13. Six people spoke, mostly on technical problems--lot widths, particularly--although one person did question the basic 2-5-8 acre pattern still in place.

These public debates were paralleled by the more private arguments on the Board of Trustees, the Planning Board, and elsewhere. Ideas shoaled in, with proponents of all sorts of acreage combinations. Ault recalls that he had really wanted to start with twenty-five acres, but not so any one else. Mayor Edey felt the larger plots under discussion were uncivic. Positions shifted or were clarified.

Ault persuaded some of the larger owners, starting with a relative, Sidney Z. Mitchell, to support the basic concept of the Plan, although he, Edey and others found

little agreement among the people like Davison, Trachman, Dean Stoothoff, or Iselin.

Meeting through October, 1960, with the Planning Board, the Trustees reconsidered the eight-acre category, which seemed to be the sticking point. McHugh, recalculating, showed that dropping the 8-acre zone would mean a difference of only thirty more houses, and would in no way weaken the Plan.

A final public meeting was called to order on November 28, 1960, and again, it was preserved, word-for-word, for posterity. The eight-acre zone was dropped, and there were also minor changes in the building code, involving split-level structures on slopes. Four people spoke out, some in protest over the residual and unique five-acre minimum concept, or seeking exceptions to it. But, all of this done, the Board at last adopted the Plan which has governed its growth since. The date of official acceptance was December 11, 1960.

J. B. Ault, twenty summers later, recalls of this two-year period of argument and adjustment, and of his predecessor in the Mayoral chair:

All of us who served in those days loved it--mostly because of Mait, who was a great and always interesting and challenging leader. He inherited a strong tradition, made a wise one by Arthur Dean, but it was Mait who pulled together all the separate strands, and inspired us individually and corporately. And it was he who led all the charges and stood up to all the fire.

Litigation

As Village officials developed the tools to shape and control growth, they also became enmeshed increasingly in litigation.

The sand-miners on the Oyster Bay-Upper Brookville frontier surfaced in the Minutes in December, 1952, with the discovery that they had tunneled under the Village by

640 feet. They were enjoined, and trial set for March of the next year. In his mayoral letter of June 1, 1953, Arthur Dean referred to this "noxious" digging--and to the fact that the court had found for the diggers, so that the Village would appeal. He called attention to the new budget line for litigation--an estimated \$2,000.

But by October, it was clear that that was not enough. By the time the appeal procedure had reversed the lower court, which it did in November of 1953, the cost had come to over seven times the estimate, and contributions were solicited. But in the following February, Faraco determined to appeal himself, taking the case into the Court of Appeals. In the budget for that year, the estimate for legal costs was over three times what it had been twelve months before. And yet, in the June 1955 letter, the legal item had dropped back to a little over \$2,000. Faraco had in the meantime lost his appeal against the Village zoning regulations, and perhaps the thought was that there could be a return to normality.

But in 1956, the legal pendulum had swung back. The disquiet now was found along Rte. 25A, and in July, injunctions were served against violations, as the Village saw it, of existing levels of the so-called non-conforming commercial activities, those which pre-dated all zoning. The Cohen's Corner body shop was scored, in the Minutes of October, for its slovenly appearance. Early in 1957, all the names of south-side nursery operators--Izzo, Dalsimer, Pitrowski--appeared in the context of litigation. In his mid-1957 letter, Mayor Dean, in presenting the matter to the voters, advised that the cases were then pending in the New York Supreme Court, Nassau County, adding, "we are trying, as best we can, to keep...a small rural village on the outskirts of an ever-expanding great metropolitan center". The legal line in the budget--that is, all expenses for the Village Attorney, including litigation itself--had surged back to around \$6,000.

And so it continued. By the end of 1957, the Village itself was defendant in a suit brought by one of the Rte. 25A parties. Although the 1958 budget line for legal matters showed a drop, the litigation dragged on, and Mayor Edey, in his first mid-year letter to his constituents, exactly reproduced the explanatory bulletin which Arthur Dean had sent out the preceding summer.

There were difficulties (to pick up another thread) in the Brympton Woods-Linden Lane road dedication matter. The developer was not to be found, and he continued to elude Village requests for bringing the road up to standard, so that late in 1958, the Village determined to take legal steps against the performance bond. In February of 1959, a settlement was offered which was far short of the actual costs of rebuilding. The line in the 1959 budget for legal work returned to its previous high mark, and for the second time (the 25A cases not yet being concluded), Mayor Edey reproduced the Dean statement of 1957.

In this cat's cradle of actions, one would also find the thrust of another developer, Arthur Ringewald, whose work on the old Clews place off Wolver Hollow Road led him to sue the Village, which refused to grant him a building permit, over technical aspects of access and drainage. This was late in 1959.

By early 1960, Ringewald had lost his suit, and the 200-foot frontage rule upheld. That year, the Mayoral letter gave a separate labeled paragraph to "litigation." In fact, there were two paragraphs, the first referring to the Ringewald case, and to the fact that the loser had filed a notice of appeal. The second faithfully reproduced the original Dean statement on the legal problem of preserving the Village, now in its fourth year.

Police and Justice Matters

A highly sensitive barometer in matters of social pressure is of course the police force--its size, and what it is called upon to do. There was always a Trustee

assigned to police matters, and the budget item for police protection was the largest, amounting to nearly \$21,000 in 1952. Mayor Dean announced that the Village must pay its share toward a new headquarters for the force, that located on the present site, and reminded his readers that despite the increase in costs, the five-village Old Brookville Police Department was still "substantially" less expensive than would be protection by the County. In the middle of the decade, the police budget line called for \$26,000. (Step aside to note an item in the police report which tells us that the police, in the midst of routine, worked overtime voluntarily to catch a prowler, who, when caught, admitted to having been on the Woodward place before the shocking murder there in October of 1955.)

However, all was not well within the force. The Board was greatly surprised--Edey recalls--when a group of the officers approached it directly to express dissatisfaction with their own internal government. Trustee Edey was delegated by the Village Board to explore the matter, involving a number of specific and real problems. It was not easy to get to the bottom of the problem for the search for enlightenment took the inquirer into the offices of the officials of other villages, where views were different, strongly. However, in due course there was a change in the force, and Charles Capobianco became the new Chief, late in 1955, and he has held it ever since.

The force had need of better equipment: early in 1959, it was an additional patrol car; later, it was for a change in the radio system from a three-way to a two-way, obviating the mediation of the Mineola broadcasting station. In that year, the Village share of the police budget came to over \$30,000 for a force numbering twenty-two men. Some costs were low enough, we might wistfully interject: early in 1960, the Board recorded that the police purchased gasoline at 11¢ a gallon (it was then

retailed to civilians at 20¢)!

The Board was then seriously talking of setting up its own Police Justice Court, an effort in which Chief Capobianco was the prime mover. In March of 1960, the new court was established. Later, Lindley Miller was appointed to be Police Justice, pending the next regular election (which returned him). As Mayor Edey explained it to the voters in his letter of that year:

The need for Police Justice in the Village has been growing. Heretofore, committers of misdemeanors such as traffic violation, gunning, littering, and the like, have been prosecuted in County Court. This has necessitated many trips to Mineola by the Police, who are often required to sit around all day without a case being heard, and then return the next day in the hope that it will be heard then. In addition, the record of the Village in securing convictions in County Court is extremely poor. The County Court Justices appear to be basically unsympathetic to the efforts of Incorporated Villages to enforce their own ordinances, and the whole matter has been of considerable concern to the Village Officials and to the Police Department for some time.

Last, But Not Least

Since so much of this chapter is associated with the extraordinary Village service of the Deans, it is fitting to close with a Board resolution written by Dean's successor, which suggests that more than an unprecedented six-year mayoral incumbency was at stake:

Whereas Mary Marden Dean of the Incorporated Village of Upper Brookville has faithfully served as Clerk and Treasurer for a period of seventeen years, and whereas her husband, Arthur H. Dean, has faithfully served as a Trustee and later as

Mayor of the same Village during a period of seventeen years, and, whereas, during the period of their joint stewardship the aforesaid Village has grown and prospered, straight and true, with the vigor of a fig tree in an oasis, and whereas they have jointly and stoutly endured the machinations of sand and gravel executives, and deviltry of swimming pool vendors, the taunts and ribaldry of delinquent taxpayers, and the simple idleness of their fellow officials, now therefore let it be

Resolved, that the aforesaid Mary Marden Dean and Arthur H. Dean, in recognition of their forbearance, fortitude, and devotion to duty, be elevated to the rank of Neighbors, First Class, with all honors, emoluments, and privileges appertaining thereto.

To which the Great Seal of the Incorporated Village of Upper Brookville being properly affixed, we, the officials of the aforesaid Village, do most heartily append our names.

May, 1958

The former Mayor, after letting the Village Historian copy the framed resolution just cited, added that it had all come about in an irregular fashion. He recalled being the first appointed as Clerk by Mayor Kellogg, although it was (he averred) his wife who got the salary of \$1,000. Then when he was elevated to Trustee, Mary Marden Dean became Clerk (keeping the salary, no doubt) and also getting a police badge--as he finally did himself as Mayor. From tiny acorns....