

Chapter Three  
Stability: A Political Component  
1960-1966

Former Mayor Edey, whose tripartite structure informs this sketch, replied to a question about terms as follows: Stability of a kind is certainly a part of the evolutionary process of any community....Once a community gets built up to the point that its zoning laws permit, it is of necessity "stable" thereafter, vulnerable only to very large external pressures. With stability, the priorities become internalized.

If we accept the definition, we may question its aptness to our Village in the last two decades. For Upper Brookville was not entirely built up to the optima established in the Master Plan, nor were its priorities internalized, even in the approximate sense intended. But there was a sort of stability, for all that. Let us test the concept. For convenience, this calls for another three-part system, by periods, the first covered in this present chapter.

In this first period, for example, annual police reports, summarized in five-village terms, show an average of about three automobile fatalities, and there was stability too in the statistics for summonses, aided cases, and other categories. However, by 1965 there was a sharp increase in the incidence of burglary. Indeed as early as October 1962, a card from Mayor Ault passed on a police bulletin on the subject, alluding to professionals being at work, and urging all to call on the slightest suspicion. Chief Capobianco recalls that in the old days, the big places, although usually only summer retreats, were watched over year-round by groundsmen and servants. With the breakup of these haunts of "old money," and the

influx of new-gained affluence into smaller places, this live-in protection disappeared, and even on two acres, well-planted, there is often enough screening to protect the burglar. Though the Village has become much more of a year-round community, people of course still go on vacation. Yet even when they are in residence, and actually at home, they are not invulnerable to the robber who forces them to tell where their valuables are hidden. Of course, the drug culture has contributed, as have the several colleges nearby, which attract outsiders. Add to this the clogging of the court system, the ramifications of which reduce the likelihood of suitable punishment, and one arrives at a situation in which the stability is not expressed as we would wish it to be it appears in a persistently high incidence of certain sorts of crime.

Nevertheless, in the early 1960's there were of course changes for the Village police. The 1963 report adverted to new demands related to C. W. Post Center, and to the establishment of a new Highway Patrol squad--and to the hiring of two civilian employees to release the rota within the twenty-five man force set aside for routine station paper work. The 1966 report was broken down, village by village, and showed no traffic fatalities in any of the five. Upper Brookville was indexed for only ten burglaries of the eighty-nine for the whole. But this was an alarming multiplication of the dozen or so in the early years of the decade.

One fertile source of vandalistic and trespasser trouble was the Bird place, usually entered from the Village side. This fifty-room mansion was redolent with tales of how Bird's widow, after his death in a plane crash in 1940, had crated the wreck and stored it in the basement, left his collection of antique cars exactly as he had, and then left herself for Switzerland, where she had died, in fear for her own life, in 1961. In May of 1962, the cars had been auctioned, drawing a huge crowd

who watched a Duesenberg speedster go for \$10,000, and much besides. But most people on the place had no business there. Lindley Miller's Police Justice Court fined these interlopers in wholesale lots.

But the police did more than is suggested above. Among the letters of appreciation appended to these annual reports are many telling of how patrolmen helped people, say, in changing tires, and if reassurance is related to stability, let the entry be made.

#### The Russians

Although this testing of a concept can lead to contrivance, let it move to another continuity, at least at the level of a problem unsolved but largely unchanged as well. In 1960, the estate, with its thirteen acres, then assessed at about \$116,000, fell into arrears again, and the Village proposed to resort again to the tax-auctioneer's hammer. It felt that its position was legally unassailable, for the new State law exempting such diplomatic holdings beyond the fifteen-mile radius had not become effective until after the Village assessment roll had been made.

However, representations were made by the Department of State in the nation's capital that the sale not be held as scheduled for March, 1961. The Village complied, but when a year passed with no change save for an increase in the Russian tax arrears, the Board resolved to go through with the sale in March of 1962. Intervention this time was mounted by Francis T. P. Plimpton, as a member of Adlai Stevenson's US delegation to the United Nations, who intimated that to hold the sale would give the Russians further arguments in their campaign to show that the United States was no place to host the United Nations. He also suggested that the Village wait until a similar situation in Glen Cove was cleared up. Again, the Village deferred. In January of 1963, the Russian government paid part of the debit, again under protest. And so, with no

satisfaction on either side, matters continued for a couple of years.

Early in 1965, the Village was faced again with an accumulated arrears, and decided to hold the twice-deferred sale. It did so, on March 12, but no one came to buy the lien, so the property was "deemed to have been sold and purchased by the Village," as the brave words of the Minutes put it, with plenary citation of the law.

Still, no settlement being forthcoming, the Village resolved to sell the lien again in 1966. By this time, its argument relative to the continued liability of the Soviet Union was that the Mission had never formally applied, under the terms of the now-effective New York State law, for exemption. Had they done so, the Village would have expected to inspect the premises, to see if they were indeed used entirely for offices or quarters (as one of the correspondents put it, perhaps not entirely in exasperation, the place might be a missile tracking station for all anyone knew--the police had only been there twice, when persons had died there, but no one else had). The arguments involved arguments old and new, with one rebutted from Washington being that since the Village had already acquired title, it need not repeat the action, at least until the two-year period had elapsed in 1967.

In any event, the problem remained: who was right, relative to the status of the former Nathan Miller estate in the tax calculations of Upper Brookville? Certainly the Village was determined not to lose the asset, or to compromise the zoning regulations.

#### Roads

With the acceptance of the Donna Drive complex, the Village had the maintenance of 5.3 miles of roads. Street upkeep budgets began in 1961 at \$10,000. Later in that year, the Board considered an engineer's report on the intractable Mill River Road problem, which did not help.

In 1962, Village administrative machinery was enlarged by the addition of a Street Maintenance Committee, and Mayor Ault in his annual letter spoke thus of dedications:

A road passes from private to public (Village) ownership only after a formal offer of dedication has been made by its owners and accepted by the Board of Trustees. The Board accepts only those roads which it deems to be in the broad public interest to accept, and which have been certified to meet Village engineering standards, at the time of dedication, by the Village Engineer. The acceptance of roads in the past is no guarantee that other private roads will be accepted in the future. Nor is the mere offering of a road in dedication any assurance that such road will be accepted by the Village. Buyers of new homes have often been told by the builders that the new road they live on will automatically be accepted by the Village as soon as the development is completed. This is not accurate. Officials, and new property owners also, have been so plagued by misunderstanding on this point that the Board of Trustees now requires the Building Inspector to stamp each Certificate of Occupancy with a notation plainly stating the facts of Village road policy.

Later in 1962, the Board did accept Hillcrest, Lawn, and Terrace Lanes, bringing mileage up to about seven. Development was filling in the spaces created by the Master Plan.

In the spring of 1963, in response to a special call sent by the Board, a budget hearing drew an unprecedented crowd of thirty taxpayers, for the budget included a ten-year road-maintenance projection, to cost about \$20,000 a year. The total of the moneys to be raised that year came to over \$100,000, so that the rate set at \$1.34.

Should there be a special assessment on Mill River Road residents, which, if it were to be radically improved, would take most of the investment? Should bonds be floated? Such were the questions raised. The Mill River Road problem dominated the May Board meeting, which had before it a \$50,000 program from that strip alone. Trustee Henry Wickham, an engineer himself, opposed the investment on the ground that it would not really do what was needed. Consultation with Sidney Bowne, Village Engineer, confirmed fears that the problem was probably beyond Village means, and in any event, the County would have to approve any plans made. By late summer in '63, that approval was forthcoming, but now the total cost had been elevated to over \$60,000--and actual bidding ranged up to \$90,000.

Of course, a hearing had to be called to air the vexed question yet again. As a compromise, a ten-year plan for resurfacing Mill River Road, Planting Fields Road, and Linden Lane was adopted later in 1963, with a price tag of about \$14,000.

In the post-election Organization Meeting of 1964, Wickham was given the responsibility for street maintenance, among other things. He recalls getting a call from an irate Mill River Roder that winter, who was complaining that his home was inaccessible because of ice (that is, frozen flooding). The Street Committeeman forthwith climbed into his own car, drove to the place, moved without difficulty to the very door itself, and then made his point by quietly asking the caller just what it was he wanted. Some road problems could be handled with aplomb, but most took money. That Mill River Road was one of the latter kind needs little further argumentation.

#### Internalized Priorities

The Board had other concerns, less Himalayan in nature. In mid-1961, it addressed the problem of air and spring guns, noise nuisances employed by farmers for that

very reason, to scare off marauding crows. These devices--principally the Exid "Automatic Scare Away"--banged away at odd internals in the fields all day. A hearing (of the voluntary, governmental variety) drew a handful, although many more than that had been affected. Aware that the courts would require precise definitions for any sort of prohibitory regulation, the Board decided to make a thorough study first. A questionnaire was circulated to all property owners, which produced the conclusion that most of them were against further regulation unless the noise was greatly augmented--the farmers, it seems, had prudently effected a decrescendo. Nothing more was done.

One noteworthy event of these years was the tentative donation by Mrs. Iselin, who had established her principal residence at Aiken, South Carolina, of a portion of her estate to the Village for use as a park. The lease was a complex instrument, granting Mrs. Iselin a say in the future of this valuable twenty-six acre parcel, in that no building, floodlights, jukeboxes, and so on, might be installed without her knowledge. The five-year lease referred to a 1960 State law aimed at the maintenance of open spaces in the face of rapid urban spread. Upper Brookville agreed to pay a nominal \$1.00 per year as rent, and to assume the taxes as well. Later, in January 1962, the benefactress waived that last proviso, restoring the property once again to the tax rolls, for her own account. The Village issued gracefully engraved invitations to a dedication ceremony on Sunday, December 2, 1962, and so it was done.

A Village milestone was reached late in 1962 when W. Shelby Coates, who had been Village Attorney from the very beginning, reached mandatory retirement age. He was given hearty thanks and congratulations by the grateful Board. He did not go far, and indeed frequently appeared at subsequent Board meetings on behalf of the new Village Attorneys, the firm of Humes, Andrews, Botzow & Wagner of

Locust Valley, where he still is in practice--and is hoped, will smile as he reads this note of his "retirement."

#### Civil Defense

The war-born apparatus continued to function, being one of the standard entries in the series of mayoral letters. A nationwide alert was set for April 28, 1961. In July of that year, word was that the Kennedy administration had strong interest in CD, and nation-wide there was another surge of shelter-building and inquiries as to survival of a hostile bombing. Early in 1962, a radiological kit was set up in the Brookville CD region to measure fall-out. In August, Mrs. Dartt reported that some shelters were being built locally, and later in the year--it was November 26--the Board commended its CD Director for good work done by the CD unit during the tension created when President Kennedy announced a serious Cuban situation. Actually, at year's end, there were only two shelters designated for fifty or more persons--one at C.W. Post, the other at the Muttontown Golf and Country Club. In the spring of 1963, the Board learned that Mr. H.B. Pollock had built a sixteen-person shelter himself, at a cost of \$1,000, which was open for inspection. Read Taylor had investigated the best ways to supply shelters, and was at the disposal of the community.

Later that summer, the fourteen-man Auxiliary Police Force participated in a County-wide drill following a simulated attack--radiation was measured, messages sent by ham radio to CD headquarters in Oyster Bay, shelters were supplied from the Federal store at Mitchell Field (biscuits, water, medicines, and sanitation needs). A related note: in January of the next year, the Auxiliary police took an evening course in mob control.

Perhaps one loses the thought of "stability" in recalling these endeavors to cope with the unknown and the indubitably terrible.

## Growth

No doubt, the priorities of growth were not set by the Board, although villagers hoped they were prepared for outside pressures, thanks to the Master Plan.

Early in 1961, there came a change in the use of one of the large estates in the northern part of the Village. The Brothers of St. Francis sought--and after many discussions and compromises, set up a novitiate as a religious organization, on a tax-exempt basis.

Of course, assessed values for the Village continued to mount. In his 1961 letter, Mayor Edey compared the current figure with that of the year before: 7.1 and 6.8 millions, respectively. Not so reassuring was contemporary speculation about County plans to widen Cedar Swamp Road, even to the building of a cloverleaf at Cohen's Corner--such was the official anticipation of traffic growth.

Later in 1961, a cluster of development-related questions assailed the Board: the state of Linden Lane; the Ringewald access-road (now Clews Lane); a drainage survey of the entire Village, which suggested, implicitly, that perhaps the place should have been christened Lower Brookville after all.

In March of 1962, the Village took an unusual step: it joined the New York Conference of Mayors in petitioning the State for an increase in the per-capita aid (a standard if diminutive form of Albany largesse) to the villages. There had been a general advance in costs, e.g., in volunteer firemen's benefits, in retirement benefits payments, workmen's compensation insurance, and material costs. Costs had at least doubled, whereas the State aid formula was unchanged, although its tax take had tripled during the period since the end of the war.

For some, development had a tragic human aspect, not reducible to dollars and cents. In April of 1962, Mrs. Harold White deplored the fact that of late four children had drowned in neighboring swimming pools. The Village in

fact had an unusually high rate of construction of pools--thus, four of nine houses on Cedar Ridge Road would have them. Mrs. White proposed an ordinance for fencing these installations, and the Board moved to discuss the idea.

Mayor Ault, in his Mayoral epistle of mid-1962, observed that the growth of the Village, while not absolutely large--he spoke of the change from sixty taxpayers in 1943 to 323 twenty years later--was, in percentage terms, most significant. "Not surprisingly," he went on, "our tax rate is just five times as great also." As his predecessor had done, he reiterated that the gap between costs and assessed evaluation would widen, indeed, "until the municipality ceases to grow." After noting the drainage survey, in which sister villages were participating, the Mayor took up the swimming pool peril:

In areas where full utilization has been made of the minimum and five acre restrictions, an open, unfenced pool is deemed by many to be a great danger to the lives of small children. In our Village during the last three years, twenty-two new pools have been built, and the trend shows no sign of abatement. Involved in any legislation, of course, are issues concerning not only the safety of small children, but equally important issues of trespass, interference with private property rights, costs, aesthetics, and such purely practical questions as the need for fencing at all in large, relatively isolated areas. The Board feels that legislation giving fair, effective protection to all the fundamental values involved is desirable. You shall be hearing from us soon in more detail, and can expect a public hearing early in the summer.

In passing, the Board recorded the death of three former Village officials in 1962: Henry P. Davison, an

original Trustee; Samuel A. Welldon, a Trustee in the postwar period; and James G. Dartt, a former Chairman of the Board of Zoning Appeals. We also learn that former Mayor Dean was, among other things, Chairman of the American Delegation to the International Disarmament Conference at Geneva.

In the year 1961-62, assessed valuation of the entire Village mounted by \$100,000, and in June the Village was reclassified as a third-class village, based on the 1960 population of 1,045 persons.

Shortly thereafter (although not as soon as the Mayor had promised), the Board called a hearing on the swimming pool fencing matter. Some two dozen citizens assembled for a lengthy discussion, which covered construction costs, emptying problems, fences, and more. The nature of public comments was such that the matter was dropped.

Attention swung back to the County in mid-summer, 1963, thanks to plans to build a "loop" highway linking key roads on the North Shore. The Village Board agreed with colleagues that this must be resisted, for it would bring in the gasoline flood. September brought news almost as ominous for the area: a move to downzone the southwest corner of Rte 25A and Rte 107, to create a shopping mall. Although the land lay in Brookville, Upper Brookville was no less determined to help in stopping this entrenchment. There followed a lengthy court battle, led by Brookville, with amicus curiae support from our Village, which was finally won in 1967.

The parapets seemed to be crowded with developers. In October of 1963 came notice of a bid to buy the H.P. Davison estate for a golf club. There was a problem: it would be difficult to ensure that a full third of the membership was held for Village residents, as required in the zoning laws. There were also disturbing rumors of the Coe place being turned into a State park--visions of hot-dog stands, continental parking lots, litter. And talk of the

Loop Highway would not cease. There came also a request that a hospital be allowed in the Village, which the Board refused.

Old problems were also persistent. Late in 1963, the Mayor caused a special letter to be distributed:

It has come to the attention of the Board...that over much of the Village's unspoiled field and woodland today, hunters trespass freely, shooting at will. This constitutes the double offense of trespass and unauthorized use of firearms...The Brookville police have been instructed to enforce this law strictly.

As for the proposed golf club on Mill River Road, early in 1964, the Board thought it might consider relaxing the one-third rule, enlarging the number of villages from which the list might be drawn. There were so many golf clubs in the area already that to insist on the rule would kill any new club aborning, and the Village would welcome a high-grade club--which would preserve open greenlands, for regulated activities--and also pay taxes, without commensurate demand for services, and, to judge from the experience of the Muttontown, Cedar Brook, and Tam O'Shanter clubs, increase assessed valuations. And so it was allowed that members could be solicited in twelve neighboring villages, as far off as Cold Spring Harbor.

This decided, the Board turned to two other close-pressing problems. As for the Loop Highway, the Mayor sent a special letter to voters in February, 1964. They learned there was a Joint Committee on Community Rights of Way, backed by ten villages including their own, formed to oppose the scheme. Many meetings had been held with officials from State levels on down. A report was attached, which graphically illustrated the irresistible automobile impact to which the villages proposed to oppose their own immovability. The plan called for straightening and widening the following roads: West Shore, Bayville,

Skunk's Misery-Lattingtown, Buckram-Oyster Bay, Duck Pond, Piping Rock, Chicken Valley, Bay Street-Oyster Bay Cove, Forest Avenue, and parts of Rtes. 25A, 106 and 107.

Next would come a turnpike connecting the broadened West Shore Road with the planned terminus of the Seaford-Oyster Bay Expressway, enclosing Mill Pond in its monoxious embrace. Among the counter-arguments of the Joint Committee (they even invoked Robert Moses for their purposes at one point) was that recent population studies by LILCO and the Nassau Planning Commission showed "a distinct leveling off of the rate of growth in this area, with the saturation point (based on present zoning limitations) being reached as early as 1970." The proposed new West Shore Road was to have a traffic capacity (Villagers read) of 20,500 vehicles a day, vastly in excess of the average daily load tabulated by the County, and three times the projected rate of related increase in the Town of Oyster Bay. Indeed, the Long Island Expressway was calibrated to only two times that figure. Voters were urged to attend hearings, and not to be lulled into somnolence by the present inactivity of bulldozers on the roads in question--they would come, sure enough!

Not long after, the mayor distributed copies of correspondence between the Deputy Mayor and Chairman of the Planning Board, Alfred J. Seaman, and John J. Burns, Commissioner of the Office of Local Government in Albany. In regard to the latest proposal for Planting Fields, which was to turn into a teachers' college for about 3,000 students, Seaman wrote:

Putting a large college in the midst of a small, rural village not only violates the character of the Village but immediately sets up a whole new set of unnecessary problems and costs. Increased traffic will be induced, leading to the need for expanded police facilities. Country roads will soon become inadequate. Expenditures for new

roads will tax the County and place a relatively massive burden on the small Village budget. The above does not even take into account the problems created by the insertion of a student body into a Village with a population one-third the size of the college.

The alternative, he went on, was to set the institution on a secluded tract on a major highway. He proposed for Planting Fields that it should be part of a network of intellectual institutions in the County, along the lines of Arden House, where scholars and leaders could meet, study, meditate. The return from the Commissioner was dated in March of 1964, and it stated that the teachers' college idea had been shelved for Planting Fields. No decision had been reached for the old Coe place, but the writer hoped that its use would be in keeping with the Village environment.

At about this time, a hearing on the golf club proposal drew about a dozen villagers, who heard the lengthy history of zoning in this matter, viz., in 1932, clubs could be admitted by variance only; in 1953, a membership limit of 50 percent for locals was established, which had later been eased for the one-third rule. A golf club needed 125 acres; there were three possible acreages left in the Village for such a desirable use. The new relaxation of the rules was approved.

But the pressure was not eased. The April 1964 Board meeting took cognizance of a proposal for cluster housing of the type when being proposed by Norman Blankman for Old Westbury, on the former C.V. Whitney estate. The Trustees next met in a special meeting to consider possible zoning violations in the Village--multiple dwellings, dwelling with more than one cooking unit, etc. And so on. In August, the Board, after recognizing the need for street commissioners from the several contiguous villages to get to know each other, the better to coordinate their

activities, addressed another round of ordinance amendment, so as to make engineering costs clearly chargeable to the account of developers, and also to provide that the cost of stenographic transcripts of important hearings should be borne by the applicants. In November came another special meeting to consider seemingly unrelated things. Increasing costs were first on the agenda, but there was also a report that a Mill River Road resident planned to sell land to a gravel mining concern--and there was no legal way in which this unhappy development could be prevented. As for that, two other mining operators at that time litigiously involved with the Village were talking up the idea that would ultimately give their land to School District No. 6, after they had graded (read "mined") the same.

North Shore mayors met early in March of 1966 to consider the dangerous effect of big places going to tax-exempt uses (The Roman Catholic Church had recently taken title to the Bird place and were planning to demolish the savagely vandalized mansion). Brookville had just over one-quarter of its acreage so pre-empted; Upper Brookville, with a little over two-thirds of the area, was a little better off, since the value of its tax-exemptions came to about 1.1 millions, only about half of that exempted in Brookville. But Mayor Ault argued that more families would add to the tax rate. "Let's be darn sure," the Leader quoted him as saying, "we are not asking for something we don't want."

The next challenge came not from a private developer, but from Robert Moses, who planned to thrust a bridge across Long Island Sound between Bayville (or its environs) and Rye, New York. In March of 1965, the Village Board, although not directly involved, opposed the project. In his letter of that year, the Mayor argued:

Such a bridge could lead to destruction of our rural residential communities, and would

unnecessarily put us under the yoke of the Triboro Bridge and Tunnel Authority. We are working with local committees and nearby municipalities to avoid this unhappy possibility. We believe that a thorough study of Long Island's traffic, commercial, residential and recreational needs should precede any bridge building decision and we very much doubt that such a study would indicate either the advisability of TBT Authority or an Oyster Bay terminal.

Turning to Village roads, the Mayor added:

Once again this year we have budgeted some \$9000 less for roads than our ten year master plan of 1963 indicated would be required. This is not the result of skimping but of continuing careful maintenance and study.

At that, the street maintenance budget line called for \$11,140.

That these annual Mayoral communications were useful, in a Village with a quota of newcomers every year, is suggested by a list of sample telephone calls received by the Village Clerk, drawn up by that person herself at about this time as a guide to the Mayor in preparing the next one:

I'm twenty-one--where do I register?

Does school have absentee voting or balloting?

When are all my taxes due? Who is the mayor?

I've just moved in--who removes the garbage?

I've just bought property in Upper Brookville and received the tax bill--what is it for?

If I buy the two acres next door will my taxes go up?

Who is the Village Attorney?

There is a tree overhanging the telephone wires-- will the Village take care of this? (Clerk called LILCO).



*Early Mill River Road Farmhouse. Oldest portion dates before the Revolution. Major restoration in 1930. Now home of the George Reads.*



*Former C. Oliver Iselin homestead — Wolver Hollow Road*

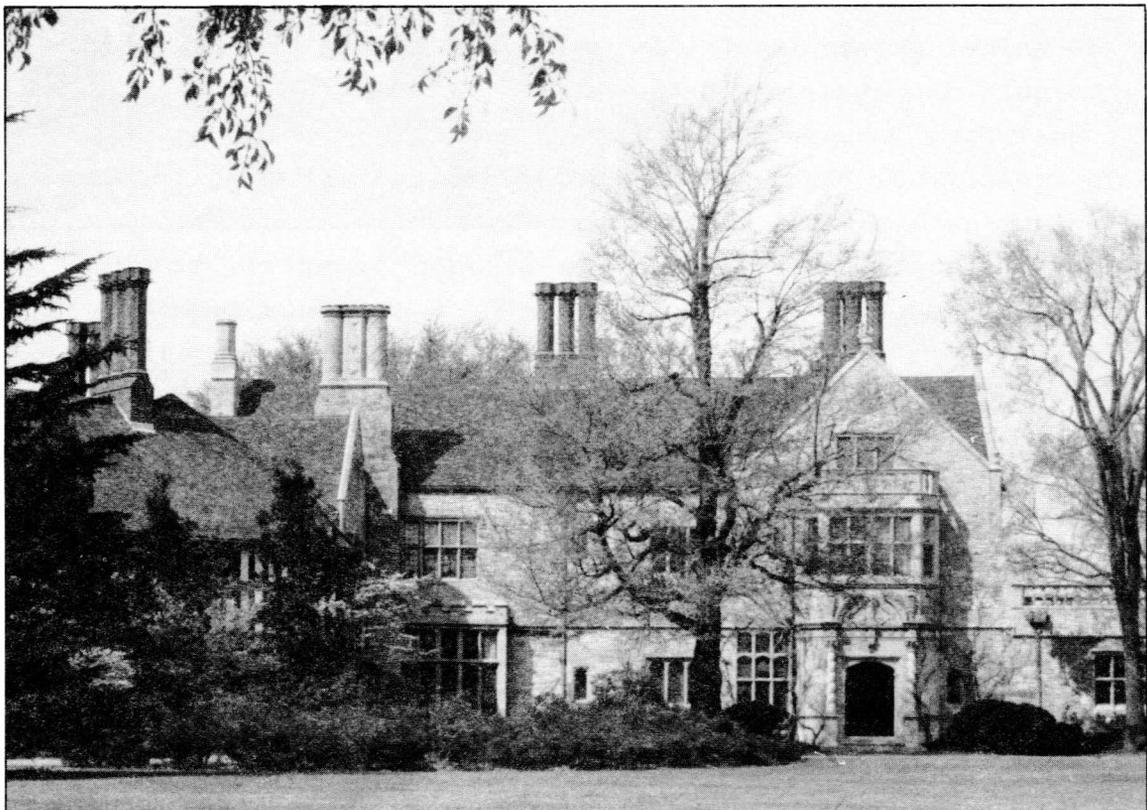
*Mill River Club — former H. P. Davison home*

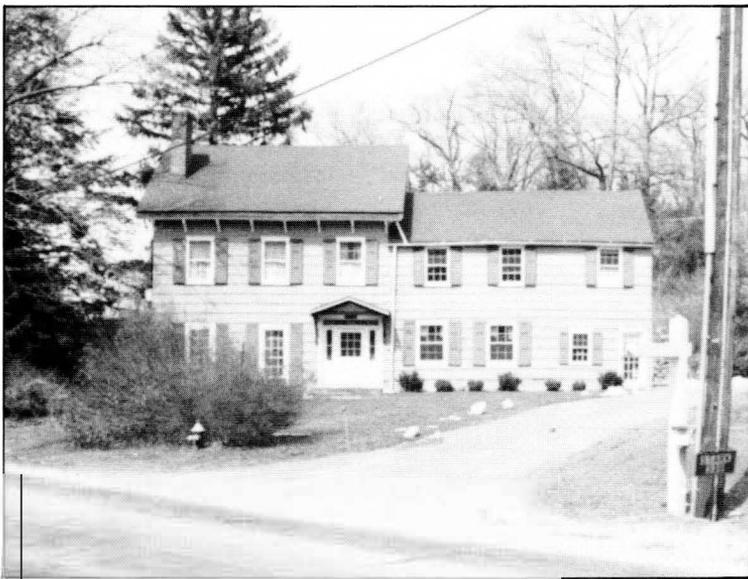




*Robert Cuddeback home — original construction 1770*

*Former W. R. Coe mansion at Planting Fields Arboretum*





*"Tulipdom" former Zandbergen home  
Mill River Road*



*E.L. Watson home, Wolver Hollow Road —  
original construction 1760*



*Helen Dartt Cottage  
— Wolver Hollow Road*

Aren't we entitled to a free library somewhere with all the taxes?

What do I do to partition?

I'm a fourteen-year old student at St. Patrick's in Glen Cove and am writing a paper on where I live. Can you tell me anything about Brookville?

Brookville School principal asked: "Why doesn't the Village have an ordinance about stray dogs?"

As for the last, the Mayor noted yet again in his 1965 report that villagers were particularly interested in ordinances pertaining to shooting and stray dogs, the latter being inadmissible in the Village, thus, "...if a dog is a persistent roamer and makes a nuisance of itself, particularly one in heat, it may be impounded. Owners of bitches are specifically reminded that it is their responsibility to avoid trouble with male dogs when the bitch is in heat."

The Minutes for May, 1965, carried a note on two "urgent cases" of people subdividing without proper Zoning or Planning Board authorization. Sand mining and cluster housing preoccupied the Board at its August gathering. Later, the Trustees felt that heavier fines for littering were needed. November brought a party seeking down-zoning in the northeast portion of the Village to accommodate apartment housing.

#### Police and Fire Protection

Here as elsewhere, costs pressed upwards. The police force still numbered twenty-four men in 1965, with five cars. In 1961, the County had raised the pay of County police by nearly \$1,000 per man; the Trustees in Upper Brookville observed that its compliance in that year did not mean that it intended an automatic matching in years to come. The tax rate in that year jumped from 84¢ to 91¢ to enable the Village to do its share toward meeting the

County lead. However, with all of this, the Board still recognized that the tax rate for police coverage under the five-village scheme was lower than what it would have been under the old dispensation.

Early in 1966, the Board learned that the police were talking of a system of retirement after twenty years of service, with a fifty percent increase in retirement pay. Of this the Board minuted that it would increase the police budget of the Village by about \$20,000 per annum. They opposed it. But a different sort of easement came at about the same time, when C.W. Post agreed to pay a special levy to Old Brookville to offset the extra costs on the police force which the campus and its population imposed upon it, thus easing the shared burden borne by all of the participating villages. And throughout this period, the standard entry in the Mayor's letters, relative to the police, was that the existing arrangement was most satisfactory, bringing "better service at substantial savings." And 1966, it will be recalled, was the year which brought a sharp increase in the incidence of burglary in the area.

The cost of fire protection showed a similar upsweep. The fire line in the budget stood at \$14,700 in 1961; it had gone to \$24,800 in 1965. One of the special problems here was the construction of a new firehouse in 1962, costing about \$300,000. Of course this was reflected in the Village share. In that year, note, the department had nineteen calls from the Village--twelve brush fires, six house fires, and a burning car, and performed efficiently.

#### Lawyers, Litigation

Although these parti-colored threads are woven into the whole fabric of Village growth (and dogs, and guns, and pools, and burning leaves), let them be drawn out here for closer examination. Things were on the move soon enough. In January of 1961, the Village had set up the office of Village Prosecutor for the Police Justice Court,

the latter now making a small contribution to the budget in the form of collected fines and penalties: \$265 in 1961, \$1,000 in 1962, and so on. The Ringewald case moved again in August of 1961, when the Appellate Division ordered the Village to issue a building permit to him. Subsequently, Board meetings were given in part to this reversal. On the highway front, there was threatened litigation involving a small gas station operated by the Brookville Nursery. It was settled amicably out of court. And there was the half-decade-long pursuit of collection under the Linden Lane performance bond. Late in 1961, the continuing differences with builder Ringewald seemed to be settled by discussion.

But comparable problems had by this time developed in the Brookville Gate, the builder having provided no sump, so that flooding was a problem at the lower end of Donna Drive. In the spring of 1962, the Board, after various approaches had not availed, decided it must take the builder to court.

Although Mayor Ault did not make a special entry for "litigation" in his 1962 annual letter, he did follow precedent in printing the budget, which showed a line for \$6,100 for all expenses associated with the Village Attorney's office, \$2,500 of which was earmarked for "possible litigation."

The possibility materialized soon enough. Early 1963, the Board took note of sand-pit encroachments, the Trustees again denied a certificate of occupancy to Ringewald, and authorized a suit against the builder at Brookville Gate. Of course, Ringewald's response was to sue the Village, the question still centering in the adequacy of access roads. In mid-year, it looked as if a settlement would be reached, with the builder undertaking no additional work on Highland (Clews) Drive in return for the crucial certificate. In February of 1965, the Brookville Gate litigation was settled in the courts in

favor of the Village, and, one might add, the residents most directly involved.

The Mayoral letter for 1965 ran a budget line for the Village Attorney of over \$10,000 and carried this special note:

Legal costs, as readers of these letters will notice, have been a heavy burden for several years, and are unlikely to decrease. Analysis will show, however, that a smaller portion of the total is being devoted to fees for special retained counsel in litigation, a larger portion to increased costs for broadened services of the Village Attorney. That is, we are spending more than previously to keep the cows in the barn to avoid spending substantially more rounding them up if they get out.

After this Arcadian figure of speech, Mayor Ault continued to say that the Village had "modified the rigors of earlier ordinances to make the practice of commercial horticulture not only more profitable for the operators but more durable and attractive for the Village, as well."

Inserted between these soothing notices in the 1965 letter was one on "Sand Mining."

The one great legal problem confronting us today is the continuing depredation of sand mining interests. Operated with a selfish disregard for the hard-won values of the residential communities in which they operate, these companies will apparently go to any lengths to get their sand--our present case, the ridge separating Pine Hollow and Mill River Roads. Since 1954, we have been struggling with one group which has persisted in illegal attempts to extend its mining operations from premises on Pine Hollow Road in Oyster Bay westwards into property it owns within the Village limits. Their present intrusion was

stopped 400 feet inside Village boundaries, and our struggle concerns the steps they must take to restore the slopes they had begun to clear. \$5328 was spent in prosecution of this last year, and \$2000 allocated this year. It is an infuriating, yet necessary expense, for it is crystal clear that no property is worth as much as the sand beneath it, and that those of us who wish to live peacefully on the land must carefully guard against those who mine below.

On a happier note, the Mayor noted in this same letter the retirement after twenty years of service on the Board of Zoning Appeals, last as its chairman, of Chester Doubleday, who had left "a strong, experienced board, and we are lucky indeed to have a man of Richard Meyer's ability to assume the chairmanship."

As for the mining case, the Village was heartened by a New York Supreme Court decision late in 1964 which upheld a Muttontown ordinance prohibiting the removal of trees, sand, loam, and the like from that village. But that did not end the matter, which carried on into the next Village administration.

Thus: Mayor Seaman called a special Village meeting at the Brookville School for October 11, 1966, to discuss the sandmining threat. About seventy-five villagers answered the summons to hear the new Mayor outline the complex case. So too did a reporter from the Leader, who on October 20 told the story this way:

Bypassing the zoning board of appeals of the village of Upper Brookville, Whitney Park Homes of which James O'Connell is president, will bring a suit against the village to enable it to use 15 acres in a manner contrary to the requirements of the village zoning ordinance.

This and other information was given to residents of the village and other interested

persons at an information meeting held in October at the Brookville school and presided over by Mayor A.J. Seaman.

Tracing the history of sandmining problems of the village, Mayor Seaman said the first problem arose in 1951 when Lizza Brothers began to mine village property owned by Faraca [sic]. Through court action this sandmining was ended. There was a long period of silence, Seaman said, from 1952 until October 1963, when the village discovered that sandmining was being carried on in property behind the Oyster Bay Town House apartments on land in Upper Brookville owned by Conmar and Arraco. This activity was also stopped in the courts which allowed the village to insist upon grading and planting of the resulting hill. The village said the work must be done without the removal of any sand which Seaman said "is not what the applicant wanted." The court asked for technical proof that the grading could be done without removing sand. The village asked Conmar to supply the information. Conmar has not yet complied. Before being stopped, Conmar took 250,000 cubic yards of sand from the property in the village--at \$2.50 to \$3.00 per yard, said Seaman. "The prize is very rich indeed." The matter now is at a standstill with Conmar, of which James O'Connell is president, refusing to give the requested facts and the village stuck with an ugly high hill of raw sand.

The land in Upper Brookville which is the subject of the pending suit is part of two tracts. One piece of 98 acres was acquired by U.S. Steel in July, 1965 when it bought Certified Industries with its assets. The other, 30 acres, is owned by Whitney Park Homes. The total, said

Seaman, "has been brought together as a single piece." For the present Whitney Park Homes is asking for court action on 15 of the total of 128 acres. The suit will ask the court to agree that the two-acre zoning on this 15-acre parcel is arbitrary, capricious and unconstitutional; that any zoning not permitting apartment houses or industrial or commercial use be declared ineffectual and that the village be enjoined from enacting any zoning ordinance restricting the property to single-family use.

Mr. Seaman and trustee Hilbert Trachman said there is evidence that all sandmining plans in the area on Pine Hollow Road are related. They noted that James O'Connell was involved in the operation across from the subject property where tons of sand were removed and the land used for construction of a movie house, gas station, shopping center and bowling alley. Mr. Trachman said there surely was a connection between sand-mining in Upper Brookville and a recent plan given to the Town of Oyster Bay by a corporation in which the Lizza brothers have an interest. This plan would have permitted garden apartments and industry, and, in an attempt to "sweeten" the plan, 11 acres would have been given to the Town for Park use. Tons of sand would have been removed to bring the high hill to grade. Both Trachman and Seaman noted that the land on which the Oyster Bay Town House apartments were built, was cleared in a similar fashion under a town permit granted when John Burns was Town Supervisor.

Urging "single voice" opposition, Seaman said "now is the time to stop these plans and fight them with all our force." He said Upper Brookville will welcome any supporting action

from surrounding villages or individuals. Mayor Seaman said he expects the case to come to trial in about 60 days.

In the meantime, difficulties persisted in the Brookville Gate matter, the builder having sought in May of 1965 to be released from his bond before he would release the plot required for drainage, and so the Village resorted to legal maneuvers, this time using special counsel from Mineola. In July of 1965, the Village declared both the Brookville Gate and Highland (Clews) Lane builders to be in default on their performance bonds, choosing to "exercise" (collect) them for satisfaction.

On the lighter side, the Cohen's Corner case was ended by action of the plaintiff. But in January, 1966, the Minutes show another resort to the Village Attorney, in the familiar matter of uncollected taxes from the Russian UN delegation: "Resolved that unpaid Village taxes be, and they hereby are, referred to the Attorneys of the Village for appropriate action for collection." And so, with important and long-standing cases pending, the Village moved into the elections of March, 1966.

#### Politics and Stability

The reader may have gotten the impression that the Village of Upper Brookville, beset, resounded with quibbling and shrieking, utterly belying the aim of the Trustees, which was to preserve the leafy or snowy quiet that was the object of those who moved into it. But of course, it was not so. These actions were quiet, more transacted in lengthy conferences and legal persuasions than by confrontations in court. Villagers were largely unaware of what was taking place, unless their opinions were sought by their officials. This is confirmed by the continued quiet of Village elections, dominated as usual by the Citizens Association. Although the 1961 election pulled in the largest crowd yet--over 200--the average settled around sixty persons through 1966.

There were some excitements, to be sure. A voting machine first appeared in 1961, and indeed in that year there was some opposition. A new group, the Village Equity Party, ran Edward A. Fucillo for Trustee, so that three men ran for two places. It had been the expectation of a very heavy vote (recalled Mayor Edey) that decided the Board to rent the machine. The Board of Elections had been instructed to make it possible for voters to select any combination of two Trustees, but, after the polls were closed, it was discovered that an error in setting the machine made it possible for only two combinations to be made, to the disadvantage of the newcomer. Although Fucillo garnered over eighty votes, the winners were J.B. Ault and Randall M. Dubois. The Trustees, disquieted with the thought that some might question the integrity of the electoral process in this case--indeed, the Citizens Association had electioneered, sending out 400 letters (at 4¢ each!) on behalf of its slate--consulted the Attorney to see if there were a legal way to rerun the election, if Mr. Fucillo requested it. The difficult question was made moot when Fucillo informed the Board that "in the general interest" he would not contest the results.

Another anecdote connected with the machine era is recalled by Mrs. Henry Wickham, for many years one of the poll watchers. She recollects that Mrs. Iselin, then infirm, came to vote in a national election, and, since she could not see well, the watchers meticulously sent a Republican and a Democrat behind the curtain with the dowager, to manipulate the little handles as she wished. The poll watchers recall this careful ceremony, as they do hearing Mrs. Iselin's voice, lacking none of the old decisiveness, commanding her helpers, "Vote Republican, straight across!" Machines, indeed!

One can only conclude that the villagers supported their government during these increasingly controversial times. It might be added that the Minutes were no longer

kept in the massive old fustian tomes, with their laconic double-spaced entries. The record was now preserved in smaller post or ring binder covers, single-spaced, with the coverage growing ever more detailed. In time, it was necessary to assign a single volume to a single calendar year, between elections.

Worthy of added remark is the outcome of the election of 1966. Acting Mayor Seaman was elected to be Mayor, succeeding Ault as the Village's eighth executive, and Hilbert Trachman and Richard Meyer joined Randall Dubois and Henry Wickham as Trustees. Since Mr. Seaman has served as mayor continuously from that date to the present, for an unprecedented eight terms to date, we may surely see a form of that stability in alignment with the characterization used by former Mayor Edey at the head of this chapter. Mr. Seaman, who rose to the Mayor's chair from the ranks of the Trustees, as had all of his predecessors save the first, had been in Village government since 1958, serving on committees for fire protection, police, civil defense, and budget, as well as on the Planning Board. Prior to that he had served as a Trustee on the Board of the Brookville School (from 1950) and was the Chairman of the Committee to fight centralization--a fight which involved the unanimous support and interest of the people of Upper Brookville as well as the other villages partly in the school district. For another year he served on the Board of the Central District to help effect a smooth transition. This period overlapped with his service as a Trustee of the Village.