

Chapter IV
Dynamic Tensions
1966-1974

Of course, nothing seemed to be changed by the 1966 election. There was not only continuity of government since four of the five trustees continued in office, but there was a continuity of problems. The Ringewald and Brookville Gate cases continued, one way or another, to demand attention. It appeared to some toward the end of 1966 that it would take another two or three years, partly because the builder was demanding a jury trial.

However, it seemed that something was being settled. In March of 1967, Mayor Seaman had occasion to send a special bulletin to all, speaking of the Whitney Park lawsuit:

Although the lawsuit was an attempt to down zone a 15 acre parcel from two acre residential use to zoning permitting apartments and light industry, we believe the true purpose was to make sandmining possible. We are pleased to report that the New York Supreme Court, Justice Pittoni presiding, has just rendered a decision dismissing the suit against the Village, thereby sustaining Upper Brookville's two acre residential zoning. We expect that the decision will be appealed. We have won a significant victory, but the struggle to preserve our Village as we all want it is far from over. We shall keep you fully informed of future moves.

The Leader and Glen Cove Record-Pilot both gave coverage to this important decision. The judge, they reported, had not been impressed by loud recordings of local noise introduced into his court, designed to show the unsuitability of the property for residential use; he went to the

site to hear for himself, finding it not so bad. He delivered himself of this somewhat more forceful expression of the underlying problem:

...many of our beautiful Nassau County residential areas are being hard pressed by industrially minded purchasers who will increase the dollar value of their newly purchased properties many, many times over if they can succeed in getting the properties rezoned to commercial or business uses.

Just after the election, the New York Herald Tribune carried a piece entitled "The Brookvilles--Still Anxious to Preserve Their Estates," which touched on the Russians on the old Nathan Miller place, and mentioned that at that moment (April 10), the owners were again in arrears on their Village taxes. "Local betting," continued the writer, "favor the probability that the Russians will repeat their last-minute settlement routine." In fact, in May of 1966, the taxes did come in, something over \$6,000. But in July of that year, Arthur Goldberg, the American ambassador to the United Nations, declared that the Russian property at Glen Cove was definitely tax-exempt. In Upper Brookville, the Trustees continued on the assumption that such rulings did not apply to their Village.

Control of Police Service

The year 1967 saw the faltering of a system which had been in effect since the 1930's. Although five villages were involved, the Police Department was controlled by the Village of Old Brookville. A Police Committee, made up of a representative from each of the five villages, had been in operation--always chaired by the Old Brookville member. The committee was advisory only; Old Brookville decided what would be done. The system was never ideal as far as the other villages were concerned, but it was adequate, thanks to the relative simplicity of the community in early years and to the diplomacy of its chairmen, especially

Henry Hay. But both conditions changed. There was no longer real simplicity and the chairman, for other reasons, retired from the post.

By mid-1967, a kind of hornets' nest had developed and Upper Brookville, along with the other three villages, was extremely dissatisfied. For years, village lawyers had maintained that State law would not permit any other system than the one in effect; i.e., one village only could have the police department; the other villages could contract for service.

Trustee Trachman had long challenged this opinion but nobody found a way to sustain his opinion. Under the pressure of events, he took time from his busy law practice to research the subject himself. He discovered--and his opinion was later supported by the Attorney General of the State--that a Police Commission with executive power could be established and that each village could have an equal vote and that the chairmanship could rotate. There was the solution to the problem.

It was then Mayor Seaman's task to meet with the other mayors and persuade them to adopt the new system. Obviously, Old Brookville might be touchy on this subject and Mayor Seaman's letter--presented in person to the other mayors on November 7, 1967--was diplomatic. The letter was addressed to Louis A. Ruckgaber, Mayor of Old Brookville:

Dear Louis:

As we all know the question of the best way to get the kind of police service we all want has been actively before us for the past year and more.

We have made some progress, with your earnest cooperation and the Old Brookville Board. Yet I think it is fair that very few feel that we have yet found a solution worthy of genuine enthusiasm.

During the last eighteen months and especially during the last six months--in which time the work of the new Police Committee has been making itself felt--the Board of Trustees of Upper Brookville has been diligently seeking to find a better way to administer the Police Department. I am sure that all the other Villages have been doing the same.

We have developed a completely new plan of organization which we believe merits the serious consideration of all the Villages. Before presenting it, we did considerable legal research, including getting supporting opinions from the Attorney General's office....

The Mayor outlined a nine-point review of the police operation and then said:

Our proposal is for the new contract to provide that the Board of Trustees of Old Brookville create a five-member Board of Police Commissioners. This Board would consist of one designee from each Village. The Board of Police Commissioners, we believe, would provide equal representation for the five Villages and give us an efficiency beyond anything we could hope for from the presently constituted Police Committee.

He then quoted from the letter which the Village attorneys had sent to the State Department of Law and their response verifying the applicability of the various laws. He concluded by saying:

Speaking for the Board of Trustees of Upper Brookville, I earnestly commend this to you for consideration and consultation with your Trustees and lawyers.

The Mayors, including Mayor Ruckgaber, agreed in principle and also agreed that many details remained to be worked out. Old Brookville scheduled a public hearing on

the subject for January 15, 1968.

On January 8, in response to questions raised by Mayor Pidot of Matinecock, Mayor Seaman wrote again, making appropriate legal references, describing in detail the operation of the proposed Commission, including its executive authority.

But there were still problems. In a letter to Mayor Ruckgaber on January 26, the firmness and determinations of the four other villages shows through in yet another letter from Upper Brookville's Mayor:

Dear Louis:

I received your letter of January 22 (which arrived on the 24th), enclosing a proposed police contract and expressing the hope that we could sign the contract by February 1st. I have several reactions to this, which I want to convey immediately to you and the other Mayors. I am doing it in writing because I think at this stage complete clarity is of the utmost importance.

1. It was my understanding when I talked on the telephone with you earlier this month that you were going to propose an extension of the temporary contract for a few months; a) to let us approach the problem of a new contract without undue time pressure and b) to let the date of the new contract coincide with the fiscal year. I so reported to our Board. I think the postponement is a good idea and a very necessary one. In fact, I can tell you now that there are enough unresolved questions for me to say that February 1st is out of the question for us.
2. As I pointed out in my letter of January 8th to you and the other Mayors, the whole question of the modus operandi of the Board of Police Commissioners is unresolved and

undefined. In our opinion, some of the conditions of operation, together with proper guarantees, must be part of a long-term police contract. So far I have no response to this letter and yet I am sure from my conversations with you and the other Mayors that you all agree the subject is of immeasurable importance and must be handled well both as to scope and detail.

3. I think it has been clear from two letters to the Mayors and from ensuing conversations that this Village does not look upon the Board of Commissioners as just another name for the Police Committee, with everything else remaining the same. The principle of equal representation for the five villages and the concept of a maximum degree of operations independence and authority for the Board of Police Commissioners are vitally essential if this new plan is to work effectively and efficiently.
4. Some of the conditions referred to above are so significant that they should not be left to conversational agreement but should be specified in the contract itself.

I know that you are as anxious as anybody to have the best operation possible and to have all the key conditions of a contractual nature so there will be a minimum of questions and problems down the road. I know, too, that you have given deep thought, a great deal of time and a generous amount of good will to make the progress we have to date...

The plan for a Board of Police Commissioners went into operation on April 1, 1968, thus completing what was one of the most important chapters in the Village's

history. The Village's present representative, Deputy-Mayor Richard Meyer, says "The system has performed effectively and efficiently for the past 15 years. All the villages are very satisfied."

Continuing the story of police, we find that there were other problems as well.

Over the five-year life of the new contract, the basic problem of the force was still not entirely resolved. The matter came up in the Board meeting October, 1972 (which was not obsessed with it, for the Trustees also worked on an ordinance to prohibit the landing of aircraft in the Village; discussed the annual snow-removal contract; and decided, in the matter of garbage pick-up, to adhere to the existing system of individual arrangements, since a Village contract would cost \$50,000 per annum). Frictions there were, still. One of the problems of course had to do with costs. In mid-1973, the Village budget showed \$121,548 on the police line. At least part of that item had to go, as it did from other villages as well, to meet the special burden imposed by the presence in Brookville of C.W. Post Center, with its 11,000 students (1,700 in residence), which, like other campuses in America had in recent years presented some real challenges to the forces of law and order. Since the contribution of each of the five villages was an equal proportion of its taxable assessed valuation, which for Brookville did not include the college (or New York Institute, for that matter), when one looked at the relationship between the contribution of each village and its total assessed valuation, some marked disparities stood out. It was difficult to resolve the question, and there were rumors that two villages might withdraw from the joining system, returning to County protection.

However, it was done, and late in November of 1973, the Board of Police Commissioners wrote the several mayors about renewal of the five-year inter-village contract with

Old Brookville for police service, recommending that it be perpetuated in major outline save for one item, that being the formula for calculating the contributions of each Village, whereby population and police calls would be combined with taxable valuation as a base for calculating the several contributions. And so a difficult exercise in inter-Village cooperation, involving some of the intricacies of development, was mastered.

An External Threat to Home Rule

For Upper Brookville and other New York village officials there were fears of a potent assault from Albany, where the State Constitutional Convention met in April of 1967. The last revisions had come in 1938; supposedly, they were to come every twenty years, and there had been discussion of what this one, overdue, might bring. The Leader of October 20, 1966, for example, carried a piece on "Convention Candidates Speak," noting, ominously for some, that while all candidates agreed that "true home rule must be preserved, many special districts must be combined." One of them had told the Leader that each unit of government must justify its existence, adding that he thought there should be a central agency to regulate the 3000-odd law enforcement units state-wide.

Indeed, in December of 1966, formulating a defense, Upper Brookville had joined in a twelve-village North Shore Joint Mayors Survey Committee. Early in 1967, the Oyster Bay Guardian presented this effort, for gathering Bayville, Brookville, Old Brookville, Upper Brookville, Centre Island, Cove Neck, Laurel Hollow, Matinecock, Mill Neck, Muttontown, Oyster Bay Cove, and Lattingtown, a story headlined "Local Communities Battle for Very Survival," and which further characterized the organization as intent on stemming "the Flood Tide of Centralization." It seemed that many delegates to the Albany gathering were intent on doing away with local home rule, hoping to replace it with regional authorities. The twelve-village group sought to

interdict the centralizers. The Mayor of Upper Brookville advised his own constituents of these developments, adding

Let me stress that the activities of the Mayors' Committee will in no way replace or supercede the activities or rights of our Village, but rather supplement them in constructive and important ways to strengthen our Village planning and services.

The Village Board voted to join the New York State Conference of Mayors and also the Nassau County Village Officials Association in the same interest.

After the opening gavel of the Convention, concern mounted. Early in May, the Board worried over Albany reports. They noted in particular the reported intentions of Professor Alan K. Campbell, Chairman of the Political Science Department at Hofstra University, and Chairman of the Local Government Committee at Albany, who was known to be unsympathetic to villages and home rule. In June, while the Convention still sat, the Mayor addressed a letter to residents (Mr. Seaman had discontinued the annual Mayoral letter, preferring communications on individual problems and events). There was, he told them, still

...a serious threat to home rule. Some of the important leaders of the Convention appear to espouse the view that village governments as they currently exist are outmoded because of the growth of cities, the need for more action on a regional basis and a changing political philosophy. Some of the proposals may seek to take away zoning and planning powers from the villages. It is possible that some may attempt to go so far as to eliminate villages by consolidating them into larger political units.

Your Village Board of Trustees has been active on this for some time, primarily through the Mayors' Committee of North Shore Villages. Every avenue

for fighting for home rule and protection of the villages is being explored and developed.

Let all citizens help, the Mayor asked, in the Board's fight against "the band of professional planners who are convinced that their bureaus, however remote, can run the local communities better than the citizens." Requesting them to write to delegates in Albany, the Mayor appended a list, beginning with the name of Professor Campbell. All should urge that there be no substantial change in the present Article IX of the State Constitution, that which guarantees "the existence and rights of villages as they now exist; and that zoning rights "be preserved and guaranteed;" and that home rule "be preserved in the spirit as well as in the letter of the law."

The North Shore Mayors' Committee played a leading role in persuading villages throughout the State to make known their determined opposition to change in Article IX. The wave of protests, along with other organized opposition, had the desired impact.

August brought welcome news from Albany. To be sure, there was one opaquely ambivalent provision that the legislature could make laws for "a reasonable class consisting of not less than five local governments," which might be inimical to home rule but in the main the villages got what they wanted.

There had been a concurrent threat from the County, which sought to revise its own charter. The County had the power to set up regional authorities, e.g., in housing. The Mayor wrote the voters just before the State-wide elections in November of that crucial year. They were thanked for their letter-writing efforts. While carefully eschewing taking a position on the new constitution as a whole, the Board did present thoughts on the ambiguity of the new Article XI, stating without hesitation it held the present Article IX to be "far superior" to it. Although the Mayors' Committee had been

influential in fending off a proposition which would have endowed Mineola with powers to challenge village zoning systems, the proposed new Charter did increase the County's reach. Consciously seeking to avoid the charge of partisan pleading on behalf of one or another of the national parties, the Board articulated its views on these two basic instruments. The letter bore the names of the Mayor and the Trustees.

The election passed, there came, early in 1968, renewed discussion of a twelve-village Master Plan, with the Board having reservations about it. Hilbert Trachman led the argument that it would weaken Village autonomy, and imply a recognition of a need for ever-growing units of local government, and so contribute to the breakdown of low-density zoning. After full discussion (this meeting of January lasted from 8:30 to 12:30), the Board voted unanimously not to join the twelve-village plan. After all of this, the Village election of 1968, which brought over sixty voters to the machine, showed unanimous support for the Board.

In May, the Village dropped its membership in the New York State Conference of Mayors, although it maintained cooperation with the twelve-village Mayors Committee, working to oppose new legislation derogatory to village zoning powers.

Student Disturbances

Another systemic threat, of an entirely different sort, came from students. It was not nearly so finely honed as the Albany blade, nor particularly directed at the Village, but rather bluntly aimed at the whole system of which Upper Brookville was a part--and it did affect the Village, through the SUNY unit at Planting Fields, as also at C.W. Post, which was of course no less the responsibility of the Old Brookville Police.

Thus, in June of 1968 came reports of "hippies" at the Planting Fields campus. The student body there at the

time was one which had been temporarily moved in from the fire-damaged SUNY unit at Old Westbury, a special unit. A somewhat unkind characterization of this period was printed in the Smithsonian of August, 1972, in an article on the old Coe place: "...the curriculum tended toward sitting under trees." Another epithet, coined by a disapproving academic traditionalist, was that there students might get credit for self-designed courses, say, in making candles, love, and peace. In any event, the University at Planting Fields had only two watchmen, and so became an added burden to the Old Brookville Police. In August, the Board heard that "hippies" had been cleared out by the OBPD with the help of the Nassau Narcotics Squad. Chief Capobianco recalls the incident, adding that on weekends there might be upwards of five thousand people on the place, skinny-dipping, freely using drugs, and defying Academe and the world. Actually, the raid in August called for about fifty police in all, and sometimes the uniformed men were stoned, in the literal sense, by those to whom the term applied as narcotic slang.

In the summer of 1969, the problem cropped up again, with the police facing massive parking at Planting Fields. They called at least for "No Parking" signs on the Village road. Chief Capobianco met with school officials to seek some way to control disturbances (say, over unisex showering). In October, the Board, in a three-hour meeting whose agenda was crowded with problems--a six-year old killed on his bike on Mill River Road, driver not at fault--heard of student trouble on the opposite frontier, at C.W. Post.

This time there had been no riot, the Police Chief "tactfully" having diverted it. Chief Capobianco--who was commended for his actions--recalls that over a thousand students had determined to block Rte. 25A, to dramatize Vietnam Moratorium Day. Fires had also been started on campus, which was graffiti-scrawled ("Free Bobby Seale,"

for example), and were extinguished by the fire department, whose trucks had not been hindered. The college had sought help from the Nassau Sixth Precinct, but they were not familiar with the campus, and were too few in number, and indeed in some physical danger when students blocked movement of their cars. The OBPD Chief got his own men to detour traffic around the college, ordering them to stay on the perimeter and to avoid any confrontation with the tumultuous young people. He himself went into the crowd, without side arms. After telling the police on the spot to exit by the back way (Wheatley Road), he used his bull horn, despite hoarse threats on his life, to talk: no doubt, war was reprehensible, he reasoned, but just as surely, this was no way to end it. In due course, the mob broke up.

The next challenge, although not similarly animated or sponsored, came in the spring of 1970, when the "Blue Sky, Clear Water Revival" asked to have parking restrictions on Planting Fields Road suspended for an April rally. The Board rejected the request. But in May of that year, after the tragic killings at Kent State in Ohio, campus disturbances swept across the country. The Police Report to the Board was presented in some detail. The problem was, how to control the "many disorderly persons who congregate at the SU campus at Planting Fields." Mayor Seaman had joined Chief Capobianco in a meeting with Gordon Jones, the Ground Superintendent, and full cooperation was agreed upon.

In January of 1971, the Board was informed that the Old Westbury students would soon be leaving Planting Fields, to return to their own refurbished campus--and indeed, in that year, the estate changed "owners" again, becoming part of the State park system, and the Friends of Planting Fields was organized to invite a very different clientele to enjoy the beauties of the place.

The Police Commission and the PBA

But the system of police protection was undergoing other important changes in these years, reflective of growth and national or state-wide trends. In the summer of 1967, the Policeman's Benevolent Association (PBA) was talking of unionizing the five-village force if the villages would not grant the twenty-year non-contributory retirement plan recently put in place in New York State. The villages at the time were still involved in devising a better contractual system among themselves, as we have seen. As for the twenty-year plan, the Trustees in this Village calculated that it would add seven cents to the tax rate (this in a meeting with the usual complex of issues: an application to set up a college on the old Bonney place; a report that the Russians wanted to set up their own school, on their place; an ordinance on the burning of leaves; and good news from Albany and the constitutional convention). However, by early 1968, the Board of Police Commissioners, whose chairman in this year was Trustee Dubois of the Village of Upper Brookville, decided to throw its support behind the twenty-year plan, hoping to include it in the next contract with the police. By the end of 1968, the PBA was negotiating for the OBPD, under the Taylor law. By early 1969, the calculation was that the new contract would add sixteen cents to the tax rate, elevating it eighty-one cents per one hundred dollars--a rapid rise but still less than the County rate.

In January of 1970, negotiations on the current contract were linked by the PBA to developments in the County force. Costs were increased--but it was not until the negotiations of 1971 that the Trustees noted in their May Minutes that there was an "impasse." By the fall of 1971, the impasse had dissolved, and the Board heard a positive playback on the police situation from its representative on the Board of Police Commissioners. Shortly thereafter, the Minutes show an agenda entry for a discussion of the enlargement of police headquarters, which would cost the

villages about \$160,000. No action was taken.

Negotiations in 1973 between the PBA and the Board of Police Commissioners were lengthy and difficult. In March, the PBA presented a multi-paged letter of demands. By mid-year, negotiations between the Commissioners and the PBA moved into the fact-finder stage. But the bargaining moves, of course, were for the Board of Police Commissioners, and on December 5, 1973, that Board wrote the mayors of the five villages on the state of the negotiations, including a careful comparison between the pay of men in the OBPD and those in the County force, which the PBA sought to equal. The "significant difference" between the County contract and that being offered by the Commissioners was (it continued) primarily a matter of certain fringe benefits, and particularly the length of the work week, the villagers preferring to pay overtime rather than match the County exactly in this matter.

The Trustees of Upper Brookville sent their own communication to residents a fortnight later. It would not, it said, involve itself in a public debate over the various positions then current. It did put itself on record, however, in a number of ways. For example:

The Village of Upper Brookville is pleased with the police service we have had, and we are proud of the Department and its personnel. In fact, over the years, we have labored to help in every way we could to create conditions favorable to good operation.

The Board went on to say that it wished to continue with the present police service, and asked its representative on the Board of Police Commissioners, then Trustee Thomas L. Higginson, to act accordingly. Of course, the Village authorities had financial responsibility to its own constituents, and, in presenting the figures, and upholding the position of the Commissioners, it concluded, "It has been a basic position of the Trustees of the five villages

and of the Board of Police Commissioners that a direct, item-by-item comparison with the Nassau County Police Force is not valid." It closed with a wish for an early settlement, and a continuation of the "fine relationship between the police and the Village."

And so the protracted negotiations moved into 1974, with a hearing under the Taylor law a possibility, as noted in a special morning meeting of the Board in February. The question headed the agenda of another forenoon meeting in March (which also addressed the need to update the Master Plan). In a week, the Board convened for its regular meeting, at which it was told that a hearing, under the Taylor law, was indeed necessary. (Shortly thereafter, the Board announced a tax-rate of \$2.13, and stood for election on March 19, being unanimously returned by sixty-eight voters). Although the PBA sued the Commissioners over the composition of the hearing board, in May, the Trustees of this Village approved its findings, and reiterated its confidence in the police--and then, in June, a new two-year contract was approved. Thus a complex and difficult set of negotiations, with strongly held differences, was concluded, with the basic structure intact, perhaps, strengthened. It was in this context that the title of this chapter occurred to this writer.

Daily Concerns in the Village

While these determined maneuvers were taking place in camera, life on the byways of Upper Brookville continued in its pleasant routine, as indicated by these excerpts from a memoir of the Village Clerk, dated October 23, 1973:

A Day With The Village Clerk

Building Inspector calls, proudly wearing badge given him by Village to show as he goes about his business. He reported advertisement of garage sale in Pennysaver for October 26. Clerk advised police who will stop sale (no permit

issued).

Pat Bagnato, recent purchaser of house on Locust Lane, called asking that street sign be made more visible from Piping Rock Road. Clerk reported to Street Commissioner.

Overdue tax payment received by mail, 3¢ short, which Clerk paid, not worth postage to collect.

New tenant on Hillcrest Lane asked about garbage removal. Clerk suggested asking neighbor--caller didn't know one--so Clerk gave name of neighbor, friend of Clerk.

Resident of Chicken Valley Road reported hole in street near his entrance. Clerk gave County telephone number to call.

L.V. School District asked for papers relating to Recreation Program. School District messenger called for them, and returned them.

Schedule of seminars re Revenue Sharing received by mail--December 4, in Albany, for this area.

OBPD delivered application blanks for alarm permits. Clerk phoned Lt. Maloney asking for list of residents who have alarms...

The prevalent quiet comes through in another way: the Clerk, who was continuing as Director of Civil Defense, helped to raise money for a new car for the Auxiliary Police. Otherwise, the CD front was somnolent.

Police Reports

In 1967, the force was glad to report a temporary decline in burglary, and one might say in general that their report of that year is a catalogue of American rural life's inevitable but usual irritations and hazards.

There were no auto fatalities in the Village, although there were dozens of car-related injuries. In most categories--dog bites, speeding violations, trespass--Upper Brookville was second or third to her sister villages, leading only in Stop-sign summonses. The police aided many persons, including five with heart attacks and one who attempted self-destruction. Talk of creating a K-9 branch did not bear fruit--or dogs, if you will.

In 1970, the OBPD set up a Detective Squad, reflecting an increase in crime. In the past, the Village (and others in the five-village system) had relied on Nassau County detectives, but they would not even investigate a petty crime, whereas local men, made up of patrolmen, would do so, and persist. Late in that year, the OBPD reported that more burglaries were motivated by the narcotics habit, well-entrenched on local campuses--and elsewhere. In 1971, there were thirty-two known installations of burglar alarms in Upper Brookville in 370 dwelling places--and 249 dogs. In the next year, the police were experiencing a false alarm rate of about twenty a week in the Village alone. Mid-1972 brought OBPD suggestions for an ordinance on the subject, to control installations so as to obviate false alarms, if possible. The most liable to be tripped accidentally were those with infra-red beams, which could be activated by dogs or birds, let alone prowlers. Police practice being to send a back-up after the departure of the first car in response to an alarm, false alarms--which grew to the point of perhaps ten a day for the villages in 1982--were very bothersome and costly indeed.

Interestingly, the tabulation for 1973 again showed a drop in burglaries--the Village suffering some sixteen, out of seventy-three for all of the five--which, the Chief felt, was a function of a decline in the use of narcotics by young people, although drug abuse still was the subject of one of the special courses available to the OBPD, which

then numbered twenty-eight uniformed men.

Other Trustee Concerns: a Miscellany

In the fall of 1966, Trustee Wickham reported that the roads--he gave a Village mileage of 9.4 although the police patrolled about sixteen miles--were in good condition. The Minutes show the unending concern with this fundamental grid of access. Occasionally, there was an extraordinary entry: March of 1969 brought a bad snow storm, bad enough to force a \$3,000 budget shift into the road line (and the note that CD forces had helped in the emergency). In the fall of 1971, Hurricane Doria struck so savagely that both Nassau and Suffolk Counties were declared disaster areas. In 1973, on the other hand, Nature was kind, the snow was light, and only a portion of the snow-removal budget provision had to be used--which contributed to a \$30,000 surplus, and a reduction of taxes for the next year.

In the course of these copings, the Board took a sad official note to the death of Mrs. C. Oliver Iselin, the Minutes show an extraordinary regard, under the date of April 1, 1970:

On motion duly made and seconded, the Board unanimously adopted the following resolution and requested the Mayor to send copies of it to Mrs. Iselin's daughter, Mrs. Hope Iselin Jones, of Tucson Arizona, and her grandson, Archer Iselin, of Providence, Rhode Island, with appropriate letters:

RESOLVED that the Board of Trustees of the Incorporated Village of Upper Brookville, at a meeting duly calledhere records its sorrow at the death of Mrs. C. Oliver Iselin on April 5, 1970 and notes with gratitude Mrs. Iselin's many acts of kindness to her friends and neighbors in and around the Incorporated Village of Upper Brookville. The Board wishes to express

appreciation for her great interest in and many services to and for the Village of Upper Brookville and its residents, including her service as one of the incorporating trustees of the Village, her leasing a part of her premises to the Village for a park, her permission to the Village to use her premises for a Police Justice Court and other meetings from time to time and her permission for the use of her premises for charitable meetings. By the community at large she is especially remembered for her leadership and devotion to the Red Cross during the Second World War, her interest in Roadside Committees of Garden Clubs both national and local, in the North Country Community Association and in other local groups concerned with the preservation and beauty of the North Shore of Long Island, and be it

FURTHER RESOLVED that the Mayor of the Village, Alfred J. Seaman, be and he hereby is requested to transmit these resolutions to Mrs. Iselin's survivors at his early convenience.

The obituary notice for Mrs. Iselin in The New York Times the day before, which filled two columns, noted that Mrs. Iselin had died at Aiken, her winter home, and, among many other things recounted the love of horses and racing of "this diminutive figure... this dainty woman in pale-colored dresses" (once she went to the races in Ascot as the guest of Queen Elizabeth II and entered the Royal Box wearing the same dress as did the Queen Mother). We learn that her horse Wolver Hollow won the 82nd running of the Eclipse Stakes in London, earning for her gold and royal blue silks a purse of over \$60,000. That news and the Mayor's telegram of congratulations on behalf of the Village came too late for her to know about them.

Later in 1970, in conformity with State law, the

Board enacted a Code of Ethics. Following State law, it regulated investments by Trustees, forbade gifts to them over \$25.00, prohibited the disclosure of confidential data by Trustees, or dealings by a Trustee with his own company for Village account, or private employment in conflict with public duties. A three-man Board of Ethics was created, including the Mayor, but with the balance coming from outside the Board itself.

Certainly appropriate to this catalogue of the unrelated is the appearance in the Minutes of the fact that in 1967, a resident of the Village, caught in some traffic infraction--outside the five-village area--chose to identify himself as the Mayor of Upper Brookville. He even showed the police a gold badge saying "Mayor of Upper Brookville," something the real Mayor did not have. The item was tacked onto the agenda of a marathon three-and-a-half hour meeting almost entirely taken up with current litigation, but the imposter was subsequently fined fifty dollars in Nassau District Court and there was no recurrence of such an incident.

Although this account so far has established that in this period there was no opposition to the decisions of the Board, at least as expressed in elections or Grievance Day forums (to be exact, there was one protest over assessment). The pattern of unopposed elections largely prevailed, incidentally, in village elections in the region.

Development and Litigation

It might be well at this point to pull together the threads of growth, development, and conflict of interest. Growth was ineluctable. Action in the courts continued in defense of the Village's zoning ordinance. An old vexation--the cluttered appearance of the automobile service station at Cohen's Corner--reappeared, as did entries in the Minutes on the expansion of non-conforming uses at the Brookville Nursery and the Garden Gate. Later in the

year of 1967, the Brookville Gate and Ringewald matters were settled out of court, and the owners of the Oyster Bay Town House were talking about "stabilizing" the bank behind their property, that is, sand mining in the Village. By the spring of 1968, the Village budget set aside \$17,000 for law-related matters, about half being for litigation alone.

In 1967, the Long Island Sound bridge proposal was exhumed (as the Leader bannered it, March 30, 1967, "ROCKY'S BRIDGE IS BACK," with related headlines given to "Mayors Protest," and "Moses Got His Way"), and Trustee Trachman proposed in mid-year that the Village propose to the Conmar interests that their litigation be suspended until the overriding bridge question was settled, for the approaches to it might cut through the very land in question. By September, in the midst of divers concerns (improper partitioning, e.g.), the Board heard that the City of Rye was suing New York State on the bridge matter, and asking for the help of Long Island villages. The Board agreed.

But in the meantime, the Appellate Division had again found for the Village in the Whitney Park suit, holding firmly to the conclusions that the zoning regulations were constitutional. But the Board heard, in a meeting lasting past midnight, that another appeal in this same area, and for the same basic purposes, now involving U.S. Steel, with its contiguous parcel, would be heard in October of 1968.

That month brought another application for subdivision, this time placed by Robert Kurzius, whose plan it was to make the sixty-acre Stoothoff place, off Piping Rock Road, which he had purchased in May, into a settlement to be called "Colonial Gardens." The Board also heard its attorneys report that the Master Plan of 1960 had been "very useful" in defending the Village in the spate of down-zoning suits.

Early in 1969, the Board closely examined the new land assessments in effect in the County, and decided to use them instead of its own independent land assessment, thus turning to the County for both land and building valuations. The Mayor set forth the reasoning of the Board in a letter of February, 1969. The change would increase the total assessed valuation of the Village by 1.3 million dollars, and would reduce the tax rate per hundred--in the last year, for example, if this County system had been in effect in the Village, the rate would have been \$1.23 instead of the actual \$1.43. Of course, the actual amount of taxes would not be affected, except possibly for "holders of large undeveloped tracts of land not connected with residential use." Individuals might discover for themselves what change had taken place in the valuation of their property by consulting their latest school or county tax bills, and comparing that with the 1968 Village tax bill.

In pursuing its long-established goal, the Village was embroiled in questions both small and large. As for the smaller-scale changes, the Board learned early in 1969 that the Brookville Nursery wanted to add a restroom to the shop on Rte. 25A; the question was raised if this constituted an "expansion" of the business. Nothing could be unexamined. On the other hand, in the meeting following the Trustees pondered the fact that the Whitney Park/U.S. Steel litigation would be costly, viz., about \$25,000. The 1969 budget line for this activity was put in at \$24,000, a great leap from the last year's litigation estimate, and, it happened, about equivalent to the cost of fire protection.

In May of 1969, residents of Juniper Drive sought to have Village acceptance of a road dedication, but the Board's position was that if it did so, there would be no end to the process, which, as one estimate had it, given that the Village developed itself fully to the Plan's

optimum, would add another seven miles to the Village total. Earlier, the Trustees had wondered if they should encourage local private associations, to lift the burden from the generality of taxpayers.

In the middle of 1969, the Board approved the retention by the Mayors Committee of a lawyer in Albany to check on pending legislation that seemed once again to endanger village autonomy. In the same meeting--it was another four-hour session--there was news of difficulties in the Pheasant Hill (Valerie Drive) development on Rte. 107--an unsightly sump being involved, the excavator having quit because he could not remove (sell?) the soil pushed up. The mid-summer meeting was full of reports on the U.S. Steel and Whitney Park litigation, as well as evidence of violations by operators on the other side of the Village, on Rte. 25A. After refusing the Juniper Drive application, the Board--October, now--heard that the developer of the Schumacher place on the north side of Rte. 25A wanted a zoning change to admit cluster housing there. There was no easing of the pressures.

Another unsettling idea in late 1969: would the State build a clover-leaf at the junctions of routes 107 and 25A? There was talk of it. In any event, at the end of 1969, the Mayor recommended legal action against zoning violators on Northern Boulevard.

During the month of May, 1970, the Village received the very good word that the New York Court of Appeals had sustained the decisions of the two lower courts, again vindicating the Master Plan of Upper Brookville. However, some felt the decision was sufficiently vague to allow the plaintiff to return to the attack yet again.

But it was never one thing at a time. In mid-year, another applicant had come forward with plans for the Bonney place, a development by Brookville Homes, Inc., which raised a number of important questions. On another scale, smaller but none the less a cause for vigilance, it

developed that one of the Rte. 25A operators planned to use firecrackers to scare away birds, and was running a farm stand which violated some of the Village Ordinances. The issues were of course not related but the Board insisted that the operator make application for the first--and that it would issue a summons on the second, an infringement. The Cohen's Corner litigation was held up by State condemnation proceedings in connection with a plan to widen Rte. 107. More encouraging was the amenability of the Garden Gate proprietors, in the matter of road signs and their gift shop, to an amicable settlement.

As for the U.S. Steel litigation, with its constitutional torque, Trustee Trachman urged in September 1970 that the issue be squarely faced, and that help be sought from the other villages--the ramifications might, after all, be State-wide. In the next meeting, some Trustees wondered if the constitutional issue had not after all been raised just to complicate things, so as to allow more time for actual sand-mining. Again came the call for aerial photos, to gather intelligence from behind the lines! This monumental dispute was penetrated, during these months, in Board meetings, by distractions coming from one or more of the Rte. 25A operators, each intent on his own interest, and trying to accommodate it as little as was legally possible to the Board's interpretation of the zoning system. There was some agreement, but unexpected shifts in position could occur without warning, as witness the idea of the Garden Gate operators at one point to open a tennis and swimming club, complete with a public restaurant.

Internal pressures there were also. Early in 1971, residents of Dogwood Court, arguing that they paid taxes for the maintenance of all roads, applied for acceptance of their own. The Village did not comply. Back on the north-east sector, word now was that U.S. Steel might settle for a golf course on the entire parcel--which of

course would have to be "suitably graded."

In the summer of 1971, against a background of familiar involvements along Rte. 25A and elsewhere, the Board was advised by the Nassau County Village Officials Association that there was a danger to all in an impending constitutional amendment to be called "Community Development," to be put before the voters in November. A public hearing in September brought out one hundred residents for a report on the general state of affairs for the Village, ranging from current litigation to a prohibition on leaf burning. Late in October, the Board issued a communique to the Village in the matter of two propositions to appear on the ballot in the next month, both of which directly affected the Village or its area, and thus came within the Board's proper scope of admonition. First, the new Article XVIII, with the "selling name" of Community Development, was to be rejected on two grounds. In authorizing any kind of vaguely defined development, recreation included, it gave the State power to take land by condemnation and turn the same over to a public or private corporation to develop, "without regard to local zoning, the wishes of the residents of the area or the effect on the community." (The underscoring was made by the Board.) Secondly, it would encourage fiscal adventurism by means of a sixty-year tax exemption. Then there was to be a proposal for a new transportation bond issue, which it was hoped the villagers would also reject in their capacity as citizens of the State, for, whatever else might be said about it, "there is no question but what an affirmative vote on this would greatly increase the possibility of the Oyster Bay-Rye Bridge."

The spring of 1972 brought news of yet another sale and partitioning, of the Eaton place (and also the word that it might be possible to settle the Rte. 25A cases out of court). As for the sand-miners, the Board now had it that the golf-course idea had evidently been replaced by a

plan to build a home for the elderly--which was also refused, as not suited to the zoning of the area. But now it appeared that the NAACP had instituted suit against Oyster Bay and eleven villages under the Fair Housing Development Fund--with a very different purpose, but with the same immediate target, as far as the Village was concerned: the "close" zoning of the Master Plan, i.e., the two-acre limitation. In another complex meeting, the Trustees were told that the Nature Conservancy had received a most laudable ten-acre gift from the Mitchell place, which would be enlarged to forty acres in a few years--and, of course, the land would be removed from the tax rolls. The Board instructed the Village Attorney to look into the matter. September's meeting learned that the Ault property was to be partitioned, since the former Trustee was leaving the area. And next--a nonsequitur, save that all of these ramifications of development had to be carefully watched--word that the Garden Gate Shop had placed an old-fashioned street car on its front lawn as a quaint attraction for fast-moving passersby, and another of the Rte. 25A operators planned to open a new gas station and maybe a bank as well. Neither of these developments conformed to the non-conforming use pattern which the Trustees were so assiduously guarding, and must be halted.

A change of pace came in November, 1972, when the Village held a hearing--about thirty citizens attended it--on the general ordinances, unchanged since 1958. There were an even two dozen amendments. The Mayor called attention in a general letter to about half of them, e.g., a regulation on dumping which enabled the Village to remove long-accumulated eyesores and charge the owner of the property for the service; a provision that noise which disturbed one's neighbors was unlawful; a prohibition on "the running at large of vicious dogs and other dangerous animals; a ban on the landing of helicopters (it had

occurred) and other aircraft within the Village; and, significantly,

Regulation of Fire and Burglar Alarms--regulates persons and firms which install burglar and fire alarm systems and imposes penalties on residents whose fire and burglar alarm systems make repeated false alarms.

The fight against The Bridge continued into 1973, and various new complexities emerged in the on-going cases on the Northern Boulevard front (the old-fashioned trolley was trundled off, returned, and removed once again). Mayor Seaman, in a letter of late April to his constituents in a brief, general review, made an admonition:

In closing, let us assure you that we are mindful of one continuing problem: i.e., the litter and rubbish on some of the vacant property within the Village. It has proved impossible even with alert police work, to prevent dumping on property which has neither fence nor road block. In the past, we could do more than try to persuade the owners to clean up. The new Article #6...gives the Village authority to act in such cases. When our pleas fail, we shall not hesitate to do so.

The Mayor sought suggestions and criticisms, and was hopeful that "working in concert, we can keep Upper Brookville a community of which we can all be proud."

Due to the increase of building, the intake of fees, it was noted in mid-1973, had about doubled. The Minutes also record another sort of positive news: although just over \$13,000 had been set aside for litigation in the preceding year, something less than half of that had actually been expended, which made for a surplus applicable to the current year.

However, in July it emerged that the Garden Gate Shop no longer operated a nursery, which of course threw into bold relief the question of the non-conforming status of

that establishment. In August, the Balding place on Wheatley Road was put on the market. The Board (then deeply concerned with crucial negotiations with the PBA) continued to cope with the fluid pressures on Rte. 25A, and to carry the Russian place and the Nature Conservancy parcel on the tax rolls--and to discover that the new ordinances did not suffice to keep empty places free of dumping and its associated hazards.

The Iselin place was finally sold, to Franconia Associates, early in 1974, or so the Board learned. However, the new owner's plans--say, to establish a horse farm--did not coincide with the zoning strictures, and were denied after due process of application.

Since 1966, with the election of a new Mayor, there had been very little change in the composition of the Board, some of which was affected by resignation (Dubois, in 1970, replaced by Higginson; Richard Meyer was also a newcomer in the period). There was a greater turnover in the Planning and Zoning Boards, where the career of Trustee usually started.

Early in 1974, the Board drew up what it called a Project Agenda. The most pressing items listed were: the status of private roads, and the uses to which accessory buildings were being put. Later the Trustees added: Update the Master Plan.

So we may follow, from the Board point of view the intricate interactions of irrepressible growth and the determination of the Trustees--volunteers all, let us not forget--to keep the Village as most of its residents wanted it to be.