History of Upper Brookville

1932 — 1982

INTRODUCTION
BY
ALFRED J. SEAMAN, MAYOR

A number of people felt it would be very suitable to publish a history of the Village of Upper Brookville in celebration of its fiftieth birthday.

I discussed this project with Mrs. Arthur Dean, who has been our Village historian for a number of years. We agreed that it would be wise to retain a trained historian to bring together the various strands of our history--a task which would require a great deal of research and many interviews. John Rawlinson, who is a Professor of History at Hofstra University and who is a resident of Upper Brookville, agreed to take on this assignment.

He has reviewed fifty years of minutes most meticulously. He has had free access to many citizens and officials of the Village, past and present. He has labored long and hard to condense thousands of details--involving people, zoning, police and fire protection, civil defense, economics, roads, budgets, policies and plans--into a brief and interesting history.

Minutes and memos help to keep the facts straight. Interviews with people who played leading roles or who were keen observers of the scene add color and texture--with, of course, no two observers seeing the same things in exactly the same way.

As one who has held office for thirty-two of the Village's fifty official years, I should like to offer a few observations for you to keep in mind as you read our story.

The people who moved here at one time or another, whether early or late, inherited a remarkable treasure. Nature gave generously to this area--open fields, rolling hills, winding roads and lanes, patches of woodlands, lovely homes--large and small. It must also have planted seeds of appreciation, because many people have worked hard and fought hard to preserve the best, to adjust to the future without sacrificing the past.

The words people use to describe the natural or nearly natural terrain have changed, of course. Professional planners now refer to all this as "open spaces" and "green belts". Fortunately, they also see these patches of preserved beauty as assets for the entire area; indeed, for County, State and Nation. Local residents enjoy it every day. During week-ends and on soft summer evenings, people for miles around drive through, enjoying the woods and plants and scenic vistas, grateful that some relatively untouched countryside remains to be enjoyed by all.

The principle of protecting "what people moved here to enjoy" has been a guiding light for succeeding Boards of the Village. I like to think that principle has grown stronger with each passing year. As you will see in detail in this history, the Village has been at great pains to achieve fair and balanced plans for Village development and management. We have been careful to insure that the needs and wishes of our citizens are incorporated into our laws and policies--and then e ave fought vigorously and unfailingly to defend th se principles. I hope that fifty years from now peop e look upon a similarly attractive Village and s s well worth the fight.

Since this history is a semi-official publication, there are no heroes and no villains, although a fair approximation of each

might--from time to time--be uncovered by closer scrutiny. I would hesitate to make a list of important contributors to this Village's development and success. The list would be too long.

We have had many, many outstanding Boards--Boards of Trustees, Planning Boards, and Boards of Zoning Appeals. I think, because of the growing complexities and challenges to the Village, the present Boards are probably working harder than ever before. In quality, they are second to none--and that's a very high level indeed.

If I were pressed to name three people who have given special tone to the Village during the thirty-three years I have been a resident, I would chose these men:

Arthur Dean: Although I never had the pleasure of working closely with him, I do know that he imparted a feisty quality to our Village government. The same tough thinking and outspoken determination which he demonstrated in defense of our nation when he was Ambassador to South Korea were manifested in support of the Village and its objectives.

Maitland Edey: I was on the Board during his term as Mayor and saw his effectiveness at short range. It was Mait's leadership and foresight which originated the present Village Master Plan and saw it through to completion. That Plan has served us well and made a magnificent difference.

Terry Trachman: Terry was a Trustee of the Village from 1964 to 1975. Prior to that he was probably our most watchful citizen for many years

and gave brilliant support in our local school's fight against centralization. As Trustee, Terry's greatest contribution, I think, was that he preached and practiced--over and over again--the principle that the price of liberty (and good government) is eternal vigilance. And, like a good soldier, he knew there were certain barricades you had to defend to the end.

That heritage, I believe, is at work today and lies behind many of our victories.

If this history is to serve a purpose greater than a few hours of interesting reading, it will be in kindling a renewed determination to keep intact and strong the spirit and beauty of our Village. It is a task for each and every one, because the ultimate--and, indeed, the only--strength of village government is the thoughtful and loyal support of its citizens.

Former Village Officials

Mayor

Joseph E. Davis	1932-1936
M.W. Kellogg	1936-1940
V.D. Crisp	1940-1944
R.F. DeGraff	1944-1948
J.N. Stearns	1948-1952
Arthur H. Dean	1952-1958
Maitland A. Edey	1958-1962
J. Burchenal Ault	1962-1966

Trustees (including Mayors, all of whom have been trustees)

J.J. Watson, H.P. Davison, Hope Goddard Iselin, E.G. Sperry,
H.F. Atherton, S.A. Welldon, H.C. McClintock, Freeman Lewis,
J.A. Thomas, Randall M. Dubois, H.P. Wickman, H.I. Trachman,
T.L. Higginson, Edward C. Oelsner, Jr., Ralph Crews

Village Clerks

V.D. Crisp, Mabel Wood, J.N. Stearns, Arthur H. Dean, Mary Marden Dean.

Village Attorney

W. Shelby Coates

The History of Upper Brookville

1932-1982

John L. Rawlinson
Village Historian

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Preface

This is a history of a government, or, better, one written from a governmental point of view. The principal source for it is The Minutes of the Incorporated Village of Upper Brookville, in a series of volumes covering 1932 to the present, the first fifty years of incorporation. The Village Archive also contains letters from mayors to voters, portions of the legal record, the Master Plan of 1960, and much beside that. In addition, I have interviewed all the living mayors, covering the last four administrations, 1952 to the present.

However, in a village, the primary American political institution, the government is composed, quite literally, of one's neighbors. It is not remote, preoccupied, alien. Put it in another way: the government is no further away from the daily concerns of the Village than the voter makes it.

To one of the past mayors, Maitland Edey, I owe the basic framework of this study, namely, that the first period may be called "baronial", the second "democratic", and the third, the period of "stability".

There are many others to whom I extend personal thanks for time bestowed. In alphabetical order, they are:

Reed Anthony
J. Burchenal Ault
Mr. and Mrs. Thomas Barrea
Misses Constance and Barbara Brigham
Charles Capobianco
W. Shelby Coates
Mr. and Mrs. Emilio Collado
Ralph Crews
Helen S. Dartt
Mr. and Mrs. Arthur H. Dean
Maitland A. Edey
Mr. and Mrs. Henry Fox

Mrs. Harvey McClintock
Lindley G. Miller
Mrs. Reginald Rose
Alfred J. Seaman
Mrs. Edward K. Straus
Mr. and Mrs. J. Read Taylor
Hilbert I. Trachman
Mr. and Mrs. Henry P. Wickham
Mr. and Mrs. Colton P. Wagner

Some had time to grant two interviews, or write letters, for which, a particular acknowledgement.

Throughout, I have avoided footnotes, as being essentially pedantic and distracting. By a similar token, I have made dates mostly relative, using exact ones only where it seemed important. Thus we can skirt a thicket of arabic numerals, which can scratch like thorns. However, although once or twice I make a judgment, everything that appears in this account comes from the printed or written or spoken record available to me. Some may wonder at the basic mixture of chronology and topic, which tends, within chapters, to take one, as the musician might say it, da capo time and time again, but I have tried to minimize confusion by the use of headnotes.

Particular thanks are made to Mayor Alfred J. Seaman and the Board of Trustees, for inviting me to write this sketch--and to Helen S. Dartt, whose personal recollections, loans from her archive of clippings, and arranging of interviews, have been indispensable.

John L. Rawlinson
Professor of History
Hofstra University

December, 1983

Chapter I. The Baronial Period, 1932-1952

It might have been Lower Brookville. The heart of the Village after all is Wolf or Wolver Hollow, where Indians once camped, around a spring near what is now the former Brookville School, and no resident need be told that the brook which ultimately gave its name to the whole area is down in a valley, downstream from its source. But someone asked Mrs. Charles Oliver Iselin about naming the new village Lower Brookville. Hope Goddard Iselin, in 1932 recently widowed from her banker-yachtsman husband, was a horsewoman, a famous beauty, and legendary as the only woman ever to sail in defense of the America's Cup, or to humiliate the Grand Duke Michael of Russia--this was in 1900--by beating him at golf. The lady was "quiet, sardonic, and always patrician" (from her obituary at age 102). Mrs. Iselin was also the doyenne of the incorporators, and, when asked, was said to have replied, with suitable hauteur, "Young man, I refuse to live in lower anything. If you must call it something, and I suppose you must, call it Upper Brookville".

Other names were changed too, somewhere along the time-line. Earlier Mill River Road was yclept Mill River Hollow Road, and before that, it was Poverty Hollow, but H.P. Davison and Walter Damrosch, who lived there, would have none of that. Of such was the peerage.

In those days, the Village was the sort of North Shore idyll one read about in F. Scott Fitzgerald. The woods were cut by few roads, and residents could hunt or hack for miles before the metastasis of chain-link, across meadows or on the sylvan network assiduously maintained by the Country Lanes Committee. Those of different mind could walk to the hounds with the Buckram Beagles, and so foster their robust health and mental serenity.

The roster of signatories to the proposition for

incorporation--by law, owners of at least one-third of the real estate to be covered--began with Mrs. Iselin, whose place at the head of Wolver Hollow Road was assessed at $384,000. If one arbitrarily limits the list to those whose places were valued at $100,000 or more, we read down through the names of Henry P. Davison, John J. Watson, Nathan L. Miller, Mollie M. Davis, Katharine L. Havemeyer, Ashbel H. Barney, Grace C. Bergquist, Morris W. Kellogg, and Katherine P. Redmond. There were other distinguished names on the list, e.g., that of Van DeVanter Crisp, who was to be the third mayor of the new village.

There were of course many houses rich with historic savor. The Reginald Rose house on Mill River Road was built by stages around a core dating from the 1760's; the residence of Mr. and Mrs. Edward K. Straus, farther north on the same old trail, dates from 1795, to one Ebenezer Silleck. Between these two is the rambling home and erstwhile Village Hall of Arthur H. Dean, and it is of comparable venerability, although its core was moved from an original foundation near the present East Norwich line, and, house-moving being what it was then, a man was killed as it slid back down the steep incline which it now commands. One of the original incorporators was Frederick C. Tanner, who then owned what is now the Charles I. Gallic place, on the south-west corner of Piping Rock and Wolver Hollow Roads, built around an old barn and forge active in colonial times--and much improved by Mr. Tanner, who even caused water-eroded rocks to be trucked in from the Delaware Water Gap to embody his visions. Another charter signer was James Christie Bell, who later built in the French provincial style. Inspiration from across the water moved Ashbel Barney in 1928 to import, stone by stone, an eighteenth-century French chateau, in which, by rumor, Voltaire once slept, to his place on Wolver Hollow Road. The bills of lading evoke reverie--crates containing wood paneling, mantels, weather vanes, dormers, doors

hearthstone, and so much more. In all, this massive shipment on the vessels Mackeesport and Independence Hall, including 265 casks of bricks and 293 of tiles, ran to less than $10,000. How better to suggest that this antique structure, later owned by Trustee Samuel A. Welldon, moved long ago between two worlds which are both almost equally remote from us today? And, although it was not part of the original village, the 500-acre pleasance of William Robertson Coe centered on a great English manor, built in the 1920's--Coe's father had been a gardener on just such a great country seat, back in England.

Perhaps it will derail this train of wistful thinking, but consider the use to which the parcel bought by Tanner and Bell was put by its previous owner: the raising of sheep, pheasants, and monkeys. The latter were in outdoor cages, and once they escaped, and, it being the cold of the year, at dark sought refuge with the neighbors, with some breaking and entering. This abrupt descent by perhaps fifty shivering simians sufficiently shocked some to bring them to sue. The story made the Daily Mirror--and the now notorious animal lover made a sale, this time of his whole spread.

The complex geographical description of Upper Brookville Village, in what may be the longest unbroken sentence in the English language (two single-space legal pages) takes the determined reader from "a point formed by the intersection of the Northerly line of the Flushing and North Hempstead Turnpike with the Southwesterly line of the Cedar Swamp Road" (Cohen's Corner, that is) through a labyrinth of boundary runs along properties or villages already established--Old Brookville, Matinecock, and Muttontown--and roads, or school districts, and comes back at last to the starting point. The original Village embraced about three square miles and 332 persons, and about fifty houses.

Harry Tappen, Supervisor of the Town of Oyster Bay,

having been apprised of the determination of Upper Brookville to separate from his town, in accordance with long-standing Village Law, called a hearing at the residence of John Watson, Esquire, for June of 1932. In due course, Winslow S. Coates, the attorney in charge of the incorporation proceedings, who had similarly officiated at other recent nearby incorporations, notified residents of an election for village status, set for July 15, 1932, at the home of Mrs. Iselin. Readers were told that only those who had been residents for at least a month and had for at least two months owned property in the Village could vote. Mr. Watson, in his turn acting as Temporary Clerk, called for the first election for officers, on August 9, at the same place. Voters were to choose a mayor and four trustees, for two year--voluntary, unpaid--terms. The "party" created for these purposes was the nonpartisan Citizens Association, a commonly-used designator in village politics, suggested by W. S. Coates, Village Attorney. Eighteen voters responded to the call, and unanimously elected Joseph E. Davies as Upper Brookville's first mayor. The first Trustees were Mrs. Iselin, who was to be the only woman so to serve, Morris W. Kellogg, Henry P. Davison, and Mr. Watson. At the first meeting, Mayor Davies reported receipt of a map of the Village from the Secretary of State, bearing the date July 28, 1932--hence, the legal date of incorporation.

The table of organization, repeatedly re-established with but few changes in organization meetings immediately after the annual elections, included a (paid) Clerk-Treasurer, who was Van Devanter Crisp; a Village Attorney, on retainer, who was Mr. Coates; and a paid Village Auditor, who was Lillian Wardell. The list of appointees also included members of a Zoning Committee, likewise largely drawn from the original incorporators. The Oyster Bay Enterprise and Pilot was chosen as the official paper for announcements, although elections notices

were also always tacked up. The Board could tax and borrow, and the latter it did at once--$5,800--to pay the cost of incorporation. For the balance of 1932, the contract with the Nassau County Police was continued, although already some were talking of setting up a special village force. And so, with talk of lighting and maintaining streets, and of fire protection, and assessment rolls, the Village came legally alive. The Board met at the homes of Mayor or members; it never did set up a Village Hall, satisfied that it could carry on just as well without one, and so saving money for the taxpayers. Upper Brookville began life as a Village of the fourth class, i.e., with a population of less than a thousand.

Of single importance in that first year was the annexation of two areas on the northeast and eastern frontier of the Village. First, in December of 1932, came the estates of William R. Coe, Robert DeGraff, Walter Damrosch, and others; in March of 1933 the area now known as Mill River Farms moved over. So the Village grew to its present boundaries, totalling about four and a quarter square miles. The added estates lifted the assessment of all Village-enclosed lands by nearly five millions, so that it stood at 6.2 million, the W. R. Coe place accounting for most of the sudden growth.

Why Incorporate?

These last fugitives from the Town of Oyster Bay raised the question: why was incorporation undertaken at all? There were some rumors that a gas company was going to buy property on Northern Boulevard, which should be stopped; others felt the existing tax structure and government were inequitable or corrupt. A Newsday reporter, writing nearly fifty years later, turned up the story that Robert Moses, the enfant terrible of the parkways, "threw a scare" into wealthy landowners with plans to run the Northern State Parkway to a park in Oyster Bay, but had been thwarted by incorporations arranged by "the

wealthiest, most snobbish, and most reactionary community in the United States." Actually, Upper Brookville was the last in its immediate area to take the step; Old Brookville, for example, had gone through the metamorphosis in 1929. In 1930, there were ten incorporated villages in the area, totalling about fifty square miles, and a combined population of about 2,500. Some 40,000 acres were then under estates.

Certainly one of the arguments for incorporation was that Nassau County was too large for village police purposes--response too tardy, courts too far off. As for Upper Brookville, Mayor Crisp put in a mayoral letter of 1941:

> The principal reasons for incorporating were to enable the residents to protect themselves and their property by the adoption of reasonable zoning ordinances and to control the cost to them of maintaining roads, police and fire protection and various other municipal functions formerly provided by the County and the Township.

Earlier, Mayor Kellogg had observed that "substantial tax savings have been and continue to be realized through...incorporation..."

Zoning

After a public hearing the Board devised a zoning ordinance in January of 1933. At the end of 1937, the Board fortified its zoning laws by adopting an official map--by Arthur W. Leach, C.E.--and filing it with the County Clerk, in keeping with the Village Law of New York. There were some pre-existing businesses along Northern Boulevard--nurseries, a farm stand, and a gas station and garage, the last having grown out of a blacksmith's at Cohen's Corner--which were accepted as nonconforming, but in large part, the ordinance was (again, following Mayor Crisp)

designed to protect the residential character of

the Village and to avoid invasions of a business or industrial type which would be harmful to the serenity of the community. Existing business enterprises were found adequate and no additional areas were set apart for business use.

The Great Depression

The year 1932 is associated with the coming of deep economic paralysis in the land, and although the Minutes show that the Village collected its statutory share of the State income tax--$866.04--they do also show something of the spreading malaise. In October, there was a note on the Oyster Bay Unemployment Relief Association. In 1933, after the change in national administration, traffic signs were emplaced by the otherwise unemployed. Village mayors were asked by the Governor to endorse a sales tax increase for unemployment relief to be municipally allocated (the letter was filed). Early in 1934, the Minutes record projects of the Civil Works Administration, an emergency relief program devised by Harry Hopkins in the winter of 1933-34, but the Trustees were not persuaded that their Village needed this federal infusion. In that year, the Village and Muttontown bought a Chevrolet truck for $875 and a snow plow for $375, and paid the driver 80¢ an hour by day and $1.25 by night. The Public Works Administration included in its national net of projects the culverting of the brook running down Wolver Hollow to the Sound, although parts of it, still visible, are liable to flood at times. But there are no stories of ruined fortunes entwined in the recollections of residents of this Village.

Mill River Road: Problem Then, Problem Now

Truly perennial was the problem the Village faced with Mill River Road, for basically, geography conspired against the engineers. This road lay, and lies, in a much steeper valley than does Wolver Hollow Road; its watershed sweeps over 1,300 acres, and the converging waters

constantly flooded the road, washed away drives, and dampened parochial pride. Resurfacing costs were about as steep as the debouching hills. A special Board meeting in 1941, for example, heard it would cost the Village $2.15 per lineal foot, with the total for the affected area then eroded coming to about a thousand times that figure--and that was the low bid. Upper Brookville shares this lovely but bedeviled passageway with Muttontown, with our Village having the northern part, from the junction with Remsen's Lane.

Fire Protection

A greater potential hazard to all was that the Village had no regular system of fire protection. Individuals contracted with different nearby companies, e.g., the one in Locust Valley; some had no coverage. For example of the latter, James G. Dartt, in the late spring of 1936 took title to the property formerly owned by George Brokaw, at the corner of Ripley Lane and Wolver Hollow Road, and found himself in that perilous situation. He wrote to Mayor Kellogg for information, adding that since he had two children in a wooden house, "I am a bit worried over the matter."

It seems that the Trustees had been testing Village opinion about fire protection for some time, starting in the spring of 1933, when they found little response to the idea of a Village contract. The 1934 poll brought in only eight responses. Just before the Dartt letter, in fact, the East Norwich Fire Company had withdrawn from negotiations, there being too few takers for their coverage, offered at the rate of nine cents per $100 assessed valuation. By the late fall of 1936, about two-thirds of the residents responded with interest, and a contract was drawn, at a nickel per $100. So ended that parlous time described by the Village Attorney just before, using italics: "the entire Village is now an unprotected area, and in the event of fire, there is no obligation on the part

of any fire company to respond." Thereafter, the Village budget always included a line for the fire contract, starting with $3,911 for the 1937-38 fiscal year.

Of course, there could still be disasters. The Minutes for January 8, 1940, record the total destruction by fire of the summer home of J. C. Bell. John Read Taylor, who had lived there since 1932, recalls it vividly. Seven companies finally converged on the blaze, which had started in defective Christmas tree light wiring. But the caretakers panicked and did all the wrong things, including setting themselves on fire, and when the call finally was placed, it was too late. The East Norwich company found the hydrant frozen solid, forcing resort to Wolver Hollow Road. A general alarm went out, but what was saved, in the melee of engines and passersby, was a supply of liquor, which cheered the onlookers mightily. An enterprising hawker of frankfurters--"Swanky Franky," was his trade name--did well that night. A newspaper story placed the loss at $75,000--and Mr. Taylor now has a swimming pool placed in the old foundation.

Other essential services included garbage disposition. Late in 1937, the Trustees debated contracting with a single carter, who offered a three-day pickup for $4.00 per month, but the deal did not go through, and the individual system prevailed, as it has to this day, albeit with periodic reconsideration of the alternative by the Board. Lighting of Village Streets was provided by the Long Island Lighting Company--and there is a memorable entry in the Minutes for March 15, 1935, which documents that the company had just reduced its rates, which in these distant years produced a budget line of about $2,000 annually.

On a par with fire protection was that offered by the police. Although Nassau County covered the villages in these years, there was some joint action among the recipients. Thus, in 1935, the mayors of the five villages

which later formed the Old Brookville Police decided to abandon the Muttontown police booth on the southwest corner of Northern Boulevard and Brookville Road, in favor of the present site, the land for which had been given by Mrs. Iselin. The villages also agreed to pay $100 a month for a radio car. The County was not happy with the relationship, for annexations reduced the tax base for the county force unless compensation was exacted. During the pre-war years, the Village share of the police bill was fairly steady, hovering between five and six thousand dollars per annum.

Taxes

Villagers paid taxes based on County evaluations for buildings and on Village evaluations for the land itself, unless the County assessment was the lower. On this basis, aggregate assessments for the Village hovered around 6.2 millions down to the war. However, in the year 1938, Nassau County revalued its assets, and in mid 1939 fixed the Village's total value at 8.2 millions. The Village resisted the reassessment methodically made by an Ohio firm, which, while more equitable for some, and enhancing values generally, would have unhappy results for inheritance purposes, and would, the Board feared, lead to "increased extravagance due to the increase in bonded debt limitation." It retained its own land evaluations, although the higher one would of course have reduced the tax rate. That rate started in the first year at 38¢, but by 1935--the Village having paid off the cost of incorporation--it dropped to 16¢, and until the war fluctuated around 20¢. The Village budget, after that initial cost, was about $10,000 in the mid-'30's, changing of course after the fire contract was drawn.

"The Baronial Period"

The notion that this first double decade was a time of benign baronial oversight of Village matters is reinforced by the fact that the Board, which actually did not

meet every month, often did so in the New York City homes or clubs of the several mayors, say, 225 Broadway, where Mayor Kellogg had offices, or 555 Park, where Mayor Stearns lived in the winters. Other sessions were seated at the Recess Club (60 Broadway), or the Lunch Club (63 Wall), or the Rockefeller Center Luncheon Club, or the Union League Club. Meetings were shorter than they are now; one eyewitness recalls that Mayor Kellogg, when he convened his confreres at his Wolver Hollow Road home promptly at 5 p.m., arranged that his butler would terminate Village business with a tray of martinis exactly thirty minutes later. The Minutes were encased in massive canvas-covered and marbled tomes, and followed legal locutions going directly back to the minutes of New York's first Village, Lansingburgh, which declaimed in 1798 that the resident freeholders "be, and they hereby are," denominated the electorate, the body politic. Civic sense and noblesse oblige interworked among these leaders to constitute and maintain a largely self-perpetuating organization, the unopposed Civic Association nominating replacements for Trustees and Mayors.

To all of this, the ratepayers made no demur, as the record of annual elections clearly shows. In the first election, all of three people registered, one being A. Chestnut, the supervisor of Mr. Watson's estate. In 1937, the election was by contract crowded, the voter list showing twenty-one names on a roll with fifty blanks prepared. Usually, the slate was unanimously returned, although the elections were prepared and announced with full attention to the legal aspect of them, e.g., notices were tacked up always on the same light poles, four on Wolver Hollow Road, one on Mill River Road, and one on Cedar Swamp Road.

In the large, it was a time of implicit hierarchy. There were no slums, although there was some relative poverty. Across the street from the present home of Elsie

Day, at the junction of Piping Rock and Chicken Valley roads, was a tavern for Polish gardeners, but butlers had their own country club--set up by J.P. Morgan's man--and the Brookville School was, by the same token, established in the 1920's for the children of the help. No one challenged the Old Guard at the polls, certainly.

Miscellaneous Concerns

Apart from the organic arrangements noted so far, the Board was seized of a familiar Village variety: stray dogs in mid-1933; the prohibition of outdoor advertising in November of that year; the great hurricane of '38; and, often, damages and drainage on Mill River Road. Of greater import, perhaps, since it trenched a privilege held sacred by holders of large domains, there was a growing concern over shooting. The meeting of January 1939, which surveyed tree damage inflicted by the terrible winds of the preceding fall, was presented with renewed complaints of gunning. Indeed, the Mayor's daughter had almost been struck by a rifle round when riding from school the December just past. An ordinance was called for, and accordingly drawn up, with a hearing for November of 1939--to which no one came. It was thus ordained that only property owners or lessees or guests with written permission could have or carry outside or discharge any firearm, excepting policemen in the line of their duty. There was a $100 fine for violators, who would be hauled up as disorderly persons.

There were, in these peaceful pre-war years, even some inklings of development. In the spring of 1937, the Minutes told of the wish of one Mollie Stoddart to start a private school, and of her petition to the Board of Zoning Appeals (denied). In the first meeting in 1940, the same board considered a project to build a golf course on the Bergquist property. At the next meeting (it was not until April), the Board took no action on a proposal that the Village join the New York State Federation of Planning

Boards. The Henry Wickhams moved to their two acres on Wolver Hollow Road on Pearl Harbor day, coming to a new home carefully selected because it was near to the school (the help-only rule was soon broken)--fortuitously, as it worked out, for with gas rationed to 2.5 gallons per car per week, children had best walk. As their house went up--Henry and Virginia were among the first to build on two acres--the neighbors were surprised at its small size, obvious enough in that neighborhood of sweeping lawns and rambling mansions. Another new arrival in 1941 was Hilbert I. Trachman, whose ten acres farther down Wolver Hollow Road had been purchased from Gilbert Ottley of McGraw Hill, who in his turn had bought a parcel from Mrs. Iselin, although that had taken connections, and persuasion. Trachman was seen over his threshold, as it were, by the Welcome Wagon. The Village, he recalls, was more "intime" then than a later day, after much more growth, would allow.

The War

Eleven days after Pearl Harbor the Board gathered specially to discuss sending a representative to the Nassau County Defense Council. The next meeting, in March of 1942, pondered advice from Albany that a reduction in the State income tax rate would reduce also the village's share of that revenue. Another note appeared in the Minutes for the next meeting, which among other things noted that it was hard to get highway workers, due to war demands; there was talk also of federal priority controls on public works materials. And so on: the May 1942 meeting recorded a reduction in Village police work, linked to gas and tire rationing. Note was also made of the appointment, under the New York War Emergency Act, of a Deputy County Director of Civilian Protection--and of the fact that Muttontown and Upper Brookville had found a man for snow-removal at 62.5¢ per hour. The budget for 1942-43 included a $1,000 line for "Reserve for Defense"; in

September of 1942, the Board discussed joining in a steel scrap drive; in January of the next year, it approved sending $15,000 to the Glen Cove War Council, and an equal sum to the rationing board there. It was not until the end of 1943 that the Board turned again to war-related matters: Stephen A. McClellan, owner of The Specialties Company of Locust Valley, desired to convert the Bergquist house and lands into a factory and research center, for military uses. The Trustees, dubious, felt a hearing was called for (the project was withdrawn by the Navy Department in the spring of 1944). The Board was more positive in the matter of setting of a four-village Honor Roll, setting aside $250 for it, drawing from the Defense Fund.

In this distant retrospect, Village affairs were little affected by the tumult of war, insofar as the Minutes were concerned. Elections were duly called, and in June of 1942, the first wartime occasion of Village politics, when Mayor Crisp was re-elected and Stearns and DeGraff were confirmed as Trustees, there was a fairly large turn-out, fourteen in all. But in the next election, when Kellogg and Dean were made Trustees, there were only four names on the roll, being those of the candidates and their spouses. When Kellogg resigned later that year, his colleagues filled his place with Peter Grimm, who in his turn resigned, moving away, and in mid-1944 the Trustees made another ad interim appointment, naming Edward G. Sperry, moving him up from the Board of Zoning Appeals, where he was replaced by G. Chester Doubleday, moved by the Trustees from the post of Building Inspector, where the vacancy thus made was filled by the drafting of Freeman Lewis.

Mill River Road

One reads of the usual floods, smashed or stolen posts and signs, and so on. But in July of 1944, the Board began to ruminate on a novel approach to the intractable problem: turn the road over to the County. Let Mineola cope with keeping it up! In September, men

from Upper Brookville and Muttontown met with the County Supervisor. The County, it developed, was reluctant to move in, unless the two villages would contribute land for a sump. In the meantime, there came other complaints from residents on that thoroughfare, in one case bringing a Trustee on a personal inspection of hurricane damage. But the Mill River Road problem entered a new phase, with many residents resisting any thought of transfer, fearing that the County, in effecting a radical solution, might go so far as to straighten the road, bringing a flood of cars in, not water, and obliterating its undeniable charm.

Wartime Budgets

Budgets during these years were steady--in fact, declining a bit down to around $11,000, with a corresponding dip in the rate (by a penny, down to .20¢). The two villages continued their joint snow-removal operation, with a new 1942 truck, continuing the service of clearing private drives, at cost, at the discretion of the Street Commissioner, and of course only on request.

Interestingly, the Village showed surpluses during the war years. Sometimes actual costs fell short of the estimates, as, for example, in October 1944, when the annual fire contract came to about $1,000 less than the $3,686 figure in the budget. In 1943, at the last meeting, the Clerk reported favorable comments on Village affairs from Albany, the chief criticism being "failure to apply the entire unexpended balance at the end of each fiscal year toward the reduction of the following budget." In 1944, the surplus came to $16,000, but the next budget carried an item for "permanent improvement," $16,000, a set-by in case the hoped transfer of Mill River Road to the County did not come about.

Tremors of Postwar Growth

In mid 1942 came a request from the Lewis Land Corporation to convert the Bergquist mansion into small apartments; the Board decided to submit this to a hearing. One

of the more splendid places on Wolver Hollow Road it had been built in the 1920's by Henry Clews, who lavished over ten million dollars on a Versailles-like palace, with rolling views through the forest. The widowed Mrs. Clews had remarried later to Colonel J. Robertson, who in the war was recalled into service. So the great park came onto the market, and, after neighbor Trachman had refused it, it passed into the hands of the Sisters of St. Joseph, who used it as a convent. Inevitably, the old places were changing hands.

Postwar Years

Would there be a building boom? Was the zoning system adequate? Questions like these badgered the Board at a special meeting late in September, 1945. The County expected a boom--the Board soon learned that Mineola had sidestepped the Mill River Road take-over because it probably would be preoccupied with new construction for years. After the election of 1946, which returned Mayor DeGraff for another two years, the Board ruminated about the breakup of the big places, and wondered if a Village planning board should not be put in place. Accordingly, citing the pertinent section of the Village Law--nothing was done off-hand--such an agency was created, and staffed by Van DeVanter Crisp, Henry F. Atherton, Emily Morris, Molly Maxwell Davis, and Lloyd Gilmour. Later in that year, the village attorneys on the North Shore conferred on a building code, to withstand the expected surge. Old Brookville's code was to be the model.

This was none too soon. A Sea Cliff man wanted to buy the James Byrne estate for veterans' housing, with plots of 100' by 60'. And it was not just in the Village itself; in 1947, the Board was apprehensive over the application of Long Island University for a variance from Old Brookville which would clear the way for its use of the Joseph Davies estate for a college. And there was talk of joining the Regional Planning Association.

The building code was aired at a Village hearing in November of 1947. This twenty-nine page book detailed every aspect of acceptability; e.g., that minimum floor plan should be 1500 square feet, that residences should not exceed 35' in height, that no room be smaller than 60 square feet, that churches and schools must not exceed one story, and much, much more. Maitland Edey, just returned from military service, was made Building Inspector ad interim, although he knew nothing about it, nor was there yet any routine whereby building plans would come his way. But the Board soon had recourse to a professional, making Alfred Shaknis of Glen Head the Village Inspector in January of 1948, to be compensated out of fees charged.

Another worrisome question in 1948: what would happen when the 409-acre Coe place was transferred to the State Department of Agriculture, as appeared likely? What about taxes? Open space? As for the former, the Sisters of St. Joseph soon asked to be allowed to conduct a regular school, which would affect their own tax status. This elicited objection from neighbors, and argument over the terms of the deed which they held, and so, the interaction between legality, economics, and interests being activated, the property moved, through a complex of repurchases and offers, into the hands of new owners, including Arthur Ringewald, a developer, the sisters Constance and Barbara Brigham, and Mr. and Mrs. David T. Parsons. But this takes us ahead of our story.

A test of the zoning system came in November of 1949, when Mrs. Katherine S. Havemeyer, one of the incorporators, sought to sell a seven-acre parcel to Mark Eaton, who wanted to conduct a nursery business there, although this was north of the turnpike, in the Wolver Hollow-Ripley-Remsen's Lane quadrant. A public hearing on the petition turned out an unusual crowd, some eight people in addition to the principals. The argument was that the Havemeyer place had before been a nursery, hence, at

the time of incorporation, a non-conforming exception. Cautions were raised by the nursery operators on 25A; others feared the entering wedge of commerce in an area where it had been discontinued. However, the zoning was modified to permit commercial horticulture only, with many restrictions on signs, equipment, and the like.

The complex story of the advent of C. W. Post College resurfaced in the Village affairs in July of 1950, when the Board considered the possibility of annexing unincorporated acreage in the vicinity of the Davies estate to prevent it. Mayor Stearns addressed a letter to villagers urging that all attend a Town hearing in Oyster Bay on the question of amending Town zoning to allow colleges and universities in certain areas by special permit of the Town Board. Long Island University had a questionable reputation at the time, thanks to recent exposes of corruption on its famous basketball squad, and the Mayor made reference to that in this appeal:

> The Trustees suggest you familiarize yourself with the history of this University, its athletic policies, its service to the Community, the cost of its educational services, its standing in the educational field and the ability of its graduates to enter graduate schools of recognized reputation and standing. We urge you to inquire what it intends to do with this valuable property if it should obtain no local students and therefore discontinue operations there as an educational institution.

Growth and change led next to the passage of a littering ordinance, most carefully drawn, so that no one might

> throw, cast, discard, or lay (or let any servant throw, cast, discard, or lay) any ashes, garbage, dross, cinders, shells, straw, shavings, papers, dirt, filth, tin cans, refuse, or rubbish of any

kind whatsoever...

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

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

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

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

more staff, in view of the increase in the load of legal work.

Again and again in these years, the name of Mill River Road surfaces in the Minutes, so often that the reader wonders why it was not reduced to initials--MRR. Late in 1945, there were renewed demarches to Nassau County to take it over, all fruitless.

The residue of war was partly cleared away in late 1947 when the Trustees abandoned the idea of using Village land for a war memorial. But the Civil Defense mechanism remained in place, as part of a four-village cooperative effort, with Upper Brookville contributing about $300 annually. Early in 1951, Mrs. Dartt was made Director of Civil Defense of Upper Brookville, at a salary of $50 per month.

The Old Brookville Police Department

By far the most far-reaching cooperation between the villages was precipitated by County action, in the matter of police protection. In the postwar years, the five villages had a special County force of seven men, each paid $3,500 per year, and the Upper Brookville budgets show regular entries of $6,500 as the Village share. But in the summer of 1948, Nassau County advised that it would not continue the service after the end of the year, which left the villages the choice of entering the regular County system, or forming their own police force. Mayor Stearns advised the taxpayers in his Village that in the latter case the rate must be raised from 21¢ to 31¢. It developed that to enter the County system would bring the Upper Brookville rate to thirty-five cents, and the Village would have no say in the service provided.

But to create a special village force would take special legislation in Albany. Accordingly, Arthur Dean betook himself to that city, where he called on Governor Dewey, who in turn sponsored legislation to the effect that any two or more villages could create such a force.

The arrangement in detail for the five villages--the three Brookvilles, Matinecock, and Muttontown--was that Old Brookville, the largest, would create the force and contract to provide protection to the others, expenses to be divided according to the assessed valuation of each party. The initial costs would of course be higher, since cars and uniforms and headquarters must be provided. For Upper Brookville, starting cost would be just over $14,000. The new force, which was in place in mid-1949, was housed in a new quarters on the northwest corner of Wolver Hollow Road and Rte. 25A, on a site leased to the force by Upper Brookville for a dollar a year. Mayor Shields of Old Brookville was the first Police Commissioner, and Gordon Hurley, the first Chief. And so the villages entrenched themselves for the coming waves of cars, people, and subdivisions.

Political Life

Village politics seemed to be little changed after the war. The Trustees sought to be good stewards. In mid-1946, they created a tax-stabilization fund to ensure that surpluses be applied in the taxpayers' best interest. At about that time, they quit the partnership with Muttontown on snow removal, preferring individual annual contracts for the Village, letting the first of many that year to the lowest bidder. Elections continued to offer the Citizens Association slate each June, to the voters, who once massed fourteen strong at the polls, but in 1950 and 1951 produced no more than three, being drawn from the Stearns and Dean families.

In the fall of 1947, Mayor DeGraff went on record to say that the Minutes should be fuller, so as to give full coverage to all decisions and subsequent actions, rather than being content with recording that such-and-such was talked about. The Board approved, and referred it to the Village Attorney, who prepared them. In mid-1951, the Trustees agreed that there should be a regular date for

meetings, apparently because the fixed periods therefore always specified in the archaic formulae of the annual Organization Meeting were honored more in the breach than in practice.

But it seems that these deliberate Olympian gestures were not enough for all of the voters. A group of younger residents, primarily Alfred J. Seaman, Freeman Lewis, and Henry Wickham, were not satisfied. As Wickham recalls, he only gradually had learned that there was a mayor; there were few mayoral communications, nor were there mailed notices of elections, however faithfully placards were tacked on those six designated poles. The insurgents asked Freeman Lewis if he would stand as a write-in Trustee, leaving the mayoral citadel to the established succession, which slated Arthur Dean. The Lewis "platform," they agreed, was to be simple: there should be a postcard sent to residents before each election; the mayor should write regular letters to his constituency. The determined group did indeed show up at the polling place--the home of the Clerk, Mary Marden Dean--fifteen minutes before the polls were closed on June 17, 1952. Arthur Dean was elected Mayor--there were some forty names on the list, a record-breaking number--but Lewis bypassed John Stearns (who had just stepped down as Mayor) for a Trustee's place. The Deans made a formidable team--Mayor and Clerk, and although the Mayor "ran the government out of his pocket," in the words of his admiring successor to the Village chair, he ushered in a period of greater democracy in the life of the Village of Upper Brookville.