SPECIAL MEETING OF THE MAYOR AND COUNCIL
TOWN OF TAKOMA PARK, MARYLAND
NOVEMBER 9th, 1932.

Meeting called to order at 8:00 P.M. Those present were Mayor Lewton, Councilmen Adams, Iverson, Remsen, Sherburne and Ware.

Mayor Lewton stated that the meeting was called to discuss the action to be taken in connection with the apparent shortage of the former Clerk and Treasurer, Bryan Davis, and to lay before States Attorney, Stedman Prescott, the facts in the case. Mr. Barrett Prettyman, Counsel for the Town of Takoma Park, Maryland, was also present.

Mr. Prescott stated that he would like to be advised of the facts in regard to the apparent shortage in order that he might present the matter properly to the Grand Jury when it next convened.

At the request of Mayor Lewton, Mr. Burnham of the Auditing firm of D. N. Burnham & Co., outlined at some length the method by which the apparent shortage was brought about.

Mr. Burnham also statedthat there were about two hundred confirmations yet to be returned before a complete audit could be recorded.

It was decided that the Treasurer send bills for these unconfirmed items, and to advise each one that if the information desired wasnot given it would be necessary to summons them to Court in order that the information may be obtained.

Mr. Prettyman, Counsel for the Town of Takoma Park, stated that the bond of the former Treasurer was not cumulative, and that the extent of the liability of the Bonding Company was for the past year only, in the amount of Five Thousand Dollars.

Meeting adjourned at 10:00 P. M.

J. Hilson Todd
Clerk

Frederick L. Lewton
Mayor

REGULAR MEETING MAYOR AND COUNCIL
TOWN OF TAKOMA PARK, MARYLAND

November 21st, 1932

Meeting called to order at 8:00 P. M.

Those present:- Mayor Lewton, Councilmen Adams, Iverson Rogers, Remsen, Sherburne and Ware.

Minutes of Regular meeting, October 17th, and Special meeting of November 9th were read by clerk and approved.

Bills in the amount of $1,220.79 were recommended paid by the Finance Committee, and payment was approved.

The financial report of the Treasurer was read and on motion of Mr. Rogers was approved.

F I N A N C I A L  R E P O R T

T O W N  O F  T A K O M A  P A R K

M A R Y L A N D

MONTH OF OCTOBER, 1932.

DISBURSEMENTS:

| | | | |
|---|---|---|---|
| STREETS: | | | |
| Labor | $ 397.40 | $ 397.40 | |
| Slag, Bipac,etc. | 1222.47 | | |
| Hdw.tools, etc. | 24.93 | | |
| Gas-Auto upkeep | 40.94 | 1288.34 | $1685.74 |
| PLAYGROUNDS: | | | |
| PARKS & PARKING: | | | |
| Grass Seed | 2.69 | | |
| Total | | | 2.69 |
| FIRE DEPARTMENT: | | | 150.00 |
| SERVICE: | | | |
| Trash Col.Labor | 61.80 | 61.80 | |
| Garbage Col. " | 180.00 | | |
| Gas-Auto upkeep | 64.03 | | |
| Supplies | 2.50 | 246.53 | |
| Street lighting | 591.65 | 591.65 | |
| Total | | | 899.98 |

Disbursements continued:

POLICE:

| | | | |
|---|---|---|---|
| Salaries | $ 300.00 | | |
| Equipment | 240.64 | | |
| Telephone | 8.40 | | |
| Elec.Work | 5.70 | | |
| Gas-Auto.upkeep | 38.86 | | |
| Total | | | $593.60 |

OFFICE:

| | | | |
|---|---|---|---|
| Salaries | 380.00 | 380.00 | |
| Telephone | 18.75 | | |
| Printing | 12.00 | | |
| Equipment | 4.98 | | |
| Supplies | 8.50 | 44.23 | |
| Total | | | 424.23 |

MISCELLANEOUS:

| | | | |
|---|---|---|---|
| Auditor | 660.00 | 660.00 | 660.00 |
| Refunds-overpay taxes | .50 | | .50 |
| Insurance | 471.00 | | 471.00 |
| Refund Bldg. permit Permit | 10.00 | | 10.00 |
| Refund Street Assess. | 10.25 | | 10.25 |
| Recording fees | 3.75 | | 3.75 |

Total disbursements for month $4911.74

FINANCE COMMITTEE

H. E. Towers

John E. Adams

RECEIPTS:

| | | |
|---|---|---|
| General taxes | | $1436.56 |
| Discounts allowed | $15.06 | |
| Interest & Penalties | | 45.20 |
| Charges | | 22.77 |
| Special Assessments | | 323.43 |
| Building Permits | | 19.00 |
| Electric " | | 23.00 |
| Dog Tax | | 2.25 |
| Overpayment taxes | | 7.35 |
| Miscellaneous | | 531.85 |
| | | $2411.41 |

BANK STATEMENT:

| | | | |
|---|---|---|---|
| Sept. 30th, | On hand Citizens Bank | $7118.83 | |
| | Deposits for Oct. | 420.42 | |
| Oct. 31st, | Balance on hand | | $7539.25 |
| Sept. 30th, | On hand Tak.Pk.Bank | $12654.78 | |
| | Deposits for Oct. | 11990.99 | |
| | | 14645.77 | |
| | Withdrawn in Oct. | 4911.74 | |
| | Balance on hand | | 9734.03 |
| Oct. 31st, | Total balance on hand | | $ 17273.28 |
| Oct. 31st, | Saving account balance Takoma Park Bank | | 434.05 |

FINANCE COMMITTEE

H. E. Rogers

John R. Adams

COMMUNICATIONS:-

A letter from Mr. J. S. Fraser in regard to reduction in his assesment was referred to Finance Committee.

A letter from Mr. Frank L. Chaney and Edw. A. Cole in regard to readjustment of assessment on their lots in Block 49, Chaney Terrace wer read and the Clerk instructed to advise these parties that the matter would be looked into at the next assessing period.

Letter from Mr. I. C. Root, County Engineer, in regard to building permit of Mrs. Anna M. Shadle for the erection of stores on Carroll Avenue was referred to Judiciary Committee.

Communication from Mr. F. S. Papot and Mrs. J. G. Busby in regard to furnishing light on pole 79465 on Cedar Avenue between Philadelphia and Dogwood Avenues was referred to the Light Committee.

Letter of J. C. Thompson and G. A. Anderson requesting the repairing of sidewalks in front of 215-217 Park Avenue was referred to Street Committee.

Letter of Dr. E. M. Finch, 8 Boyd Avenue urging that the Ordinance in regard to the playing of Football in the streets be enforced was referred to Polic, Fire and Light Committee.

Mr. R. E. Pogue called attention of the Mayor and Council to a complaint which he had made at the March meeting in regard to overpayment of Special Assessment. At the request of

Mayor Lewton, Mr. Pogue stated that he would put his complaint in writing.

Mr. Mellen asked that some action be taken immediately in regard to sidewalk on Carroll Avenue which had been pending for some time.

Mayor Lewton stated that Dr. Llewellyn Jordan not being present his talk on Taxation would have to be postponed until a future meeting.

Mayor Lewton also stated that Mr. Rufus M. Shenk called him in regard to damage being done to his property on account of a faulty catch-basin, and he advised Mr. Shenk he would bring it to the attention of the Street Committee.

Mr. Rogers, Chairman of the Finance Committee advised that his committee had nothing to report.

Mayor Lewton stated that the evening had been set aside for a hearing of the property owners on Chaney Drive in regard to laying sidewalk. There were no objections to this project brought to the attention of the Council.

REPORT OF THE STREET COMMITTEE:--

Trash, ashes and leaves have been collected at the stated intervals.

The portion of the culvert corssing under the Mallory property damaged by the storm on the night of the last Council meeting has been entirely rebuilt and repaired. It was deemed advisable to increase its capacity at this time to take care of any future increase in run-off.

A conference with Mr. Harry Shaw was held at the County Highway Engineer's Office. The matter of storm water drainage was discussed. This matter has been referred by previous action of Council to the County Engineer. Mr. Shaw stated that their office was working on layouts and sizes of storm water sewers as a comprehensive scheme, with particular emphasis at this time on those specific sections mentioned in letter from the Town. When this plan has been worked up and examined by various County organizations it will be discussed with the Town Council to determine the proper proceedure for putting it into effect.

Drainage Lines Still to be Constructed.

1. At Tulip and Maple Avenues on the N.E. corner at the church. This was discussed and authorized. Approximate cost - $532.00.

2. At Spring Street where drainage overflows the intakes and flows accross Mr. Nichter's property--under consideration.

3. At Albany and Buffalo Avenue where manhole is inadequate and overflows onto the Lake and Freund property. Approximate cost about $1,000.00 with heavy cuts. Committe still retains this correspondence for further study.

4. Letters of Mr. Mellon will be held until the new status of the properties along Carroll Avenue as far as Jackson Avenue is determined. It appears that a strip 60 degrees wide has now been sold by Mr. Mellon and Committee would like to further consider this phase of the situation.

The Street Committee wishes to recommend to Council, that the grade sheet as prepared by the County Engineer's Office for Boston Avenue, from Philadelphia to Takoma Avenues, be approved, properly stamped, signed, and forwarded to the Washington Suburban Sanitary Commission, and the National Capital Park and Planning Commission for their approval.

That after these have been properly stamped that the blueprints be filed in the Town Office and a record made of same.

November 21st, 1932 STREET COMMITTEE:-

Peter Remsen Chairman

M. F. Iverson

I. H. Ware

On motion the report of the Street Committee was approved.

Mr. Remsen returned to the files letters from Senator Tydings, and Mr. Lacy Shaw in regard to the storm water drainage at Fern Street under-pass.

Matter of erecting a sidewalk across the bridge at Bliss School was discussed, and Mr. Remsen stated that the County and B. & O. Railroad Company built the bridge, but would assume no responsibility for traffic over same and that the Town had no funds available for such an undertaking.

Mr. Remsen, Chairman of the Street Committee, submitted the following proposed Ordinance:

ORDINANCE ~~232~~ 531A

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TAKOMA PARK, MARYLAND

See p. 118

SECTION 1:-- That in accordance with the provisions of Section 12 of the Town Charter, the Mayor and Council after due and legal notice and public hearing, are of the opinion that the public health, comfort and convenience require the construction of cement sidewalks on Chaney

Drive abutting lots 18, 19, 23, 24, 26, 27, 28, 29, and Lots 30, 31, 32, formerly lot 25, all in Block 49 B. F. Gilbert Sub-Division.

SECTION 2:-- That at least two bids be obtained for the laying of this sidewalk.

SECTION 3:-- That the Street Committee be authorized to proceed with this work upon receipt of an acceptable bid.

Mr. Remsen moved that the Ordinance be adopted and same was adopted on an Aye and Nay vote; Mayor Lewton, Councilmen Adams, Iverson, Rogers, Remsen, Sheburne and Ware voting Aye; Voting Nay, none.

In reference to request of Mr. Pitchard for paving of Buffalo and Albany Avenues, Mr. Remsen stated that consideration of this matter would have to be left until next Spring as no paving was contemplated this Fall and Winter.

REPORT OF POLICE, FIRE AND LIGHT COMMITTEE:--

It is recommended that a street light be installed on center or second pole situated on Central Avenue between Carroll and Davis Avenues. (Mrs. McDermott.)

It is also recommended that a street light be installed on Potomac Electric Power Company pole No. 7602 situated on Jefferson Avenue between Carroll and Freemont Avenues. (Mr. Nelson).

In view of the fact that the State Highway Commission now furnishes lighting service for the new Carroll Avenue bridge crossing Sligo Creek, Committee recommends that the light situated on pole No. 7056 be disconnected and eleminated from the service. This will result in an annual saving of $30.85 rental.

It is further recommended that the 250 C.P. light now located on pole No. 7061 be moved to pole No. 7062. This readjustment will cost approximately $2.50 and remove an obvious dark spot in Carroll Avenue between the bridge and Flower Avenue.

On motion the report of the Committee was approved.

Mr. Ware stated that the complaint of Mr. Davis, 201 Cockerille Avenue in regard to niusance created by dogs had been attended to.

Upon recommendation of Mr. Ware the matter of parking regulations on Cedar Avenue were not changed.

Motion made and seconded that:
Stop signs be placed on Tulip Avenue at the intersection of Maple Avenue.

This motion was approved.

ORDINANCE & JUDICIARY:--

Mr. Sherburne, Chairman of the Ordinance & Judiciary Committee reported as follows:-

The Ordinance Committee has received the opinion of Corporation Council relative to the Towns obligation and responsibility in disposing of surface drainage over private property. This report has been turned over to the Chairman of the Street Committee for his information.

In answering communication of Mr. J. B. Stanley relative to a dispute over property lines, the Committee recommends that a survey be made by the party or parties involved so as to definately establish the line. Any further steps which might have to be taken would be legal.

In answer to a letter adressed to the Mayor and Council Takoma Park, Md., by Mr. A. L. Wilson, former Judge of Takoma Park Police Court, the Committee recommends the following:--

We find that Mr. A. L. Wilson was paid his salary by the Town of Takoma Park, Md., through March 31st, 1932. It appears that soon after Judge Wilson was declared to have been illegally appointed by the Circuit Court of Montgomery County, Md., the Town began rendering him bills for the phone and the fact that he began and continued to pay these bills admits of the fact that there was an agreement to that effect at that time.

We are of the opinion that the Town should have discontinued his salary upon being notified that the Judge was illegally appointed, that if the Court of Appeals should have reversed the decision of the lower Court then the Town should have reimbursed the Judge for the intervening time.

In view of these facts the Committee recommends that the amount of the bills submitted by Mr. A. L. Wilson be disallowed.

On November twelfth I addressed a letter to the Surgeon General U. S. Army inclosing a copy of a letter sent to the Commanding Officer Walter Reid General Hospital relative to the poor service rendered in the case of Mr. G. W. Elington. As yet no reply has been received from the hospital.

Two bids have been submitted for printing of the ordinances of the Town.

Mr. Frank Skinner and Mr. John Coffman, both local printers.

The petition asking for Dedication of Boyd Avenue is still in the hands of the Ordinance Committee and we had hoped to submit a report tonight but are unable to on account of not having dedication of land in front of ten lots.

Respectfully submitted,
R. G. Sherburne
Peter Remsen
H. E. Rogers

On motion made and seconded the report of the Ordinance and Judiciary Committee was approved.

In connection with the matter of telephone of Mr. A. L. Wilson, Mayor Lewton advised that he had taken this matter up with the Telephone Company and they advised him that the telephone was contracted for by Mr. Wilson personally and was not in the name of the Town.

Mr. Sherburne read a letter from Town Counsel, Mr. Barrett Prettyman in regard to storm water drainage, which letter was filed in the Town Records. Letter follows:--

Mr. R. G. Sherburne
Chairman of Ordinance & Judiciary Committee
215 Albany Avenue
Takoma Park, D. C.

Dear Mr. Sherburne:

We have your inquiry of October 19th. We have been out to inspect the property concerned in your question.

It appears that there is a natural stream which runs along low ground parallel to Philadelphia Avenue, just in the rear of the houses on that street. Its lowest point is just about in the rear of Mr. Dodge's property. There the stream turns and empties into Sligo Creek through a pipe installed by the Town. The properties which abut this stream are in a natural basin and in ordinary course surface water for surrounding territory for surrounding territory for some distance drains into it. It appears that the construction of streets has increased the amount of surface water which reaches the stream and also has increased the rapidity with which the water moves. In heavy rainstorms the tendency is for the stream to overflow.

The question which you present for opinion divides itself into two parts; (1) whether the Town has power and authority to pipe this stream throughout its length of some quarter of a mile through this low section of land, and (2) whether there is an obligation upon the Town to so pipe the stream; i.e., whether there is any liability on the Town for its failure up to the present time to so pipe this water. Our answer to the first question is "Yes" and our answer to the second question is "No."

The Town has ample power to construct suitable sewers, drains, etc., for the proper care of surface water in the Town. This power would undoubtedly extend to the construction of a pipe to convey the surface waters safely and conveniently into Sligo Creek. In Porceeding to such construction the Town would have to proceed in the same manner as it would in the construction of a street or other public improvement, i.e., it would have to acquire the right-of-way by agreement with the property owners or by condemnation proceedings. Moreover, upon such construction the liabilities therefor upon the Town would be the same as those which arise from the construction of a street or other public improvement, i.e., for any failure in proper construction the Town would be liable for damages.

The Town, however, in our opinion, is not liable for overflow of a natural watercourse under occasional extraordinary rains, where the overflow is caused merely by the increased flow of surface waters due to the construction of streets within the proper authority of the Town. This is a general rule and it has been specifically so held in Maryland in the case of Cumberland v. Willison, 50 Md. 138. This means that there is no compelling obligation upon the Town either to pipe the stream or otherwise to confine the water flowing in the natural bed of the stream.

Our conclusion, therefore, is that the question as to whether the Town should or should not construct this pipe line along the bed of the now-existing natural watercourse, for the better disposition of the water, is an administrative matter, to be determined solely as a question of public policy within the sound discretion and judgment of the Mayor and Town Council.

Very truly yours,

E. Barrett Prettyman

Bids for the printing of the Town Ordinances were read by Mr. Sherburne as follows:--

| | |
|---|---|
| Takoma Journal - 500 copies of 150 pages each for loose leaf binder--------- | $207.00 |
| The Pioneer Press- | 217.50 |

Mr. Sherburne made a motion that the low bidder for the printing of the Town Ordinances be awarded the contract, and that the Ordinance Committee be authorized to have the pringing done as soon as possible.

Motion seconded and carried.

After some discussion as to placing a barricade at Chestnut Avenue and Hodges Lane, Mr. Sherburne made a motion - That a barricade be placed in Chestnut Avenue, just beyond Mr. Judd's garage, and that a sign "NO THOROUGHFARE" be placed at Hodges Lane and Chestnut Avenue. Motion seconded and carried.

HEALTH COMMITTEE:--

Mr. Iverson, Chairman of the Health Committee, stated that the cleaning up of the woods on Carroll Avenue extended was progressing and would soon be completed.

In regard to the complaint of residents on Woodland and Ethan Allen Avenues, as to the unsanitary condition existing on the premises at No. 1 Woodland Avenue, Mr. Iverson stated that he would look into this matter and see that it was corrected.

CIVIC IMPROVEMENT COMMITTEE:--

Mr. Adams, Chairman, stated that the Ladies Auxiliary

Veterans of Foreign Wars have presented a beautiful flag to the Prince Georges School. Some years ago the Council authorized two flag poles for the Takoma Silver Spring High School, and the Prince Georges School desires a similar pole, to be erected by the Superintendent of Public Works. Cost about $50.00.

Mr. Adams made a motion - That the Town erect a Flag Pole at the Public School in Prince George County, Takoma Park. Motion was seconded and carried.

At 10:15 P. M. the Council adjourned.

J. Wilson Dodd
Clerk

Frederick L. Lewton
Mayor