

SPECIAL MEETING  
MAYOR AND COUNCIL  
NOVEMBER 12-1936

Meeting called to order at 7:45 P. M.

Those present were Mayor Adams, Councilmen Axtell, Conger, Duehring, Orcutt, Taft and Waters.

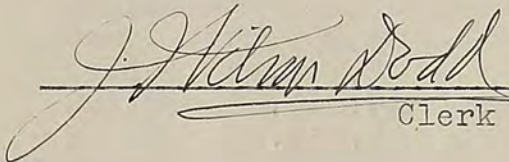
Mayor Adams stated that the purpose of the meeting was to go into the matter of accident to the Town Police Car on the morning of Nov. 12th, 1936, and the Mayor asked Mr. Duehring, Chairman of the Municipal Service Committee to advise Council the facts in the matter as ascertained by him up to that time.

Mr. Duehring stated that he was called on the 'phone about 4:27 A. M. on the date above noted and advised of the accident by a party giving his name as "Johnson", who gave his address as 6816 or 6916 Georgia Avenue, and that he immediately visited the scene of the accident, but that very little definite information could be obtained at that time. Also that he had not, up to the time of this meeting, received a detailed report of the accident from Sgt. Frank Lane, who was supposedly driving the car at the time of the accident. After a lengthy discussion, Mr. Conger moved that the Police Committee make a further investigation of the case and report their findings to the Council at the earliest date possible. Motion seconded by Mr. Orcutt and approved.

Mr. Orcutt suggested that the investigation be started immediately, and it was so ordered by the Mayor.

Mayor Adams read a letter which he had received from Mrs. Mabel A. Blundon of 218 Allegheny Avenue, regarding street conditions in the vicinity of her property at Allegheny Avenue and Highland Lane, and same was referred to the Municipal Works Committee.

On motion Council adjourned at 9:40 P. M.

*Indexed*  
  
Clerk

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Mayor

REGULAR MEETING  
MAYOR AND COUNCIL  
NOV. 16th, 1936

Meeting called to order at eight o'clock P.M.

Those present were Mayor Adams, Councilmen Axtell, Conger, Duehring, Orcutt, Taft and Waters.

My Orcutt moved that the minutes of the regular meeting of October 21st, 1936, and special meeting of Nov. 12th, 1936, be approved, and that the reading of same be dispensed with. Motion seconded by Mr. Axtell and approved. Mayor Adams stated that these minutes could be seen at any time by any tax payer of they so desired.

Financial statement for the month of October, 1936, was read by the Treasurer and approved as follows:--

RECEIPTS:-

General Taxes-----	\$1516.98	
Less Discounts-----	<u>17.22</u>	\$ 1,499.76
Interest and Penalties-----		35.97
Special Assessments-----		649.47
Building Permits-----		77.50
Electrical Permits-----		17.00
Dog Tax-----		2.25
Sidewalk Damage-----		2.00
Garbage Collection-----		2.00
Fines-----		122.05
Business Franchise Tax-----		2.50
Secutities Tax-Mont. County-----		676.41
Bank Shares Tax " "-----		<u>298.24</u>
Total		<u>3,385.15</u>

BANK STATEMENT

GENERAL ACCOUNT

Sept. 30th - On hand Citizens Bank	\$ 6,404.02	
Deposits in October	596.18	
	<u>7,000.20</u>	
Withdrawn in October	809.74	
Oct. 31st - On hand		\$ 6,190.46
Sept. 30th - On hand Takoma Park Bank	13,030.45	
Deposits in October	2,788.97	
	<u>15,819.42</u>	
Withdrawn in October	6,738.83	
Oct. 31st - On hand		<u>9,080.59</u>
Oct. 31st - On hand both banks		<u>15,271.05</u>

REVOLVING FUND

Sept. 30th - On hand Takoma Park Bank	7,096.98	
No deposits in October		
Oct. 31st - On hand	-----	7,096.98
Sept. 30th - On hand Citizens Bank	7,465.90	
No deposits in October		
Oct. 31st - On hand	-----	<u>7,465.90</u>
Oct. 31st - On hand both banks		<u>\$14,562.88</u>

DISBURSEMENTS:-STREETS:

Labor	450.75	
Material	405.18	
Gas-Oil-Auto Upkeep-Supplies	<u>139.95</u>	\$ 995.88

SERVICE:

Trash-Labor	96.40	
Garbage-Labor	180.00	
Gas-Oil-Auto Upkeep-Sup.	54.71	
Ash Collection-Labor	99.80	
Street Lights	<u>416.92</u>	877.83

POLICE:

Salaries	518.00	
Clothing Allowance	40.00	
Gas-Oil-Auto Upkeep-	116.38	
Telephones & Lights	32.52	
Repairs to furnace	21.00	
Misc. Supplies	5.08	
Equipment-Badges	<u>6.00</u>	738.98

OFFICE:

Salaries	480.00	
Postage and Printing	14.00	
Telephones & Supplies	<u>27.80</u>	521.80

PARKS AND PLAYGROUNDS:

Labor	70.20	
General Expense	<u>3.68</u>	73.88

ASSESSABLE IMPROVEMENTS

	<u>3,418.24</u>	3,418.24
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MISCELLANEOUS:

Library Association	125.00	
Refund Sidewalk Deposits	30.00	
Dues Mont.Co. Civic Fed.	15.00	
Insurance Premium	515.96	
Dog Expense	15.00	
Refund Bldg. Permit(Hill)	6.00	
Justice of Peace Salaries	70.00	
Retirement-E.E.Blodgett	25.00	
Comp. Corp. Counsel for Oct.	50.00	
Office Rent	55.00	
Building Inspector Exp.	<u>15.00</u>	921.96

Total

\$7,548.57COMMUNICATIONS:-

Letter from Miss Eliz. Hart regarding lumber piled on premises of Mr. C. Bunker Hill on Holly Ave., was referren to Municipal Service Committee;

Communication from Md. Nat. Capital Park and Planning Comm. enclosing application of Mr. A. W. Alderman for re-zoning of Carroll Ave. between Park and Denwood Aves., from Residential "A" to Residential "C", was referred to the Civic Improvement and Education Committee.

Letter from Mr. C. L. Stone regarding the dedication of Jackson Avenue between Boyd and Lincoln Avenues was referred to the Law and Ordinance Committee.

Letter from Mrs. Roy C. Potts asking that the Council pass an Ordinance compelling all dog owners to inoculate dogs for the prevention of rabies was referred to the Social Welfare and Health Committee.

Dr. Llewellyn Jordan addressed Council regarding the New Hampshire Avenue paving project, and also in connection with proposed changes in the Town Charter, and suggested that a Committee be appointed to go into and consider these charter changes. Mayor Adams stated that he knew of no better Committee than the Law and Ordinance Committee, and the matter was referred to that Committee.

Mr. Harry Dodge addressed Council regarding the Mandamus proceedings now in the Court in connection with the Dogwood Ave. line, and asked that something be done in order that some progress may be made in the matter. Mayor Adams stated that he would be very glad to have the Law and Ordinance Committee take the matter up with the Corporation Counsel.

Mr. Martin Simpson, Mr. Frank A. Nichols and Mr. G. A. Pope addressed the Council in protest of the real estate business conducted by Mr. Snook at No. 5 Denwood Ave. The matter of whether this class of business was Commercial or otherwise, was discussed at length, and Mayor Adams referred the matter to the Law and Ordinance Committee for the purpose of obtaining an opinion from the Corporation Counsel.

FINANCE COMMITTEE:- Mr. Conger, Chairman, presented the following Ordinance and moved its adoption:--

ORDINANCE NO. 598

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

Section 1. That the assessment submitted by the Town Clerk and Treasurer covering the construction of concrete pavement and curb in Cockerille Avenue, authorized under provisions of Ordinance 595, passed and adopted August 17th, 1936, said assessment being fixed at \$3.50 per linear ft., be and the same is hereby approved.

Section 2. The assessment herein approved shall be due and payable within ninety days from this date, provided, however, that if so desired said assessment may be paid in five equal annual installments, the first due and payable within ninety days of the approval thereof, and each subsequent annual payment due and payable likewise in each succeeding year until paid, provided further that payment in any amount may be made between the said annual payments if so desired. Interest at the rate of six per cent. per annum will be charged on deferred payments, said interest beginning thirty days from the date of levy.

Mr. Waters seconded the adoption of this Ordinance, and same was adopted on a Yea and Nay vote. Voting Yea, The Mayor, Councilmen Axtell, Conger, Duehring, Orcutt, Taft and Waters. Voting Nay, none.

On motion of Mr. Conger, seconded by Mr. Orcutt, Mr. R. L. H. Jones, 201 Phila. Ave., Mr. Milton Bollman, 33 Westmoreland Ave., and Mr. R. T. Brooks of 53 Flower Avenue, were appointed as assessord to make a new general assessment of all real property in the Tonw of Takoma Park, Maryland.

MUNICIPAL WORKS COMMITTEE:- Mr. Axtell, Chairman, report general street maintenance for the month, and also that the repairs to the bridge crossing Sligo Creek and leading to the Powell and other properties, had been repaired, and was now in good condition.

CIVIC IMPROVEMENT COMMITTEE:- Mr. Orcutt, Chairman, reported that Committee had gone into the matter of letter of Mr. Merritt Lockwood, regarding the change of name of Chestnut Avenue to Piney Branch Road, and believes that before any steps are taken along the line of the proposed change of the name of these streets, the State Roads Commission and the County Commissioners, should be consulted as to the proposed renaming of Chestnut and Saratoga Avenues respectively, partivularly with respect to that portion of Saratoga Avenue lying outside of the corporate limits of the Town of Takoma Park, and that before any such action is taken by the Town, a public hearing should be accorded to the residents and owners of lots along the line of said Chestnut Avenue and that portion of Saratoga Avenue within the corporate limits of the Town, in order that the sentiments of such residents and owners may be ascertained. (Complete report in Civic Improvement Comm. file)

Mr. Orcutt reported that the communication of Mr. T. E. Bowen, regarding the barricade at Spring Park, had been given careful consideration by his Committee, and investigation showed that since the erection of the barricades conditions had been very materially improved around the Spring Park, and that many residents around the park had expressed their appreciation of the elimination of these objectionable features, and Committee recommended that the barricades be not removed.

On motion, properly seconded, the report of the Committee on the two above matters was approved.

Mr. Orcutt read a Resolution which had been adopted by the Montgomery Civic Federation at its meeting on Nov, 9th, 1936, commending the Board of Education of Montgomery County for their efforts in behalf of securing additional acreage in Takoma Park for the purpose of extention of elementary school facilities in the Town of Takoma Park, and Mr. Orcutt offered the following Resolution for adoption by the Mayor and Council:-

#### RESOLUTION

WHEREAS, the Resolution by the Montgomery County Civic Federation, adopted at its meeting of Nov. 9th, 1935, respecting the

acquisition of an Elementary School Site, in the Town of Takoma Park, has been submitted to and read before the Mayor and Council of the Town of Takoma Park, Maryland, at the meeting of the said Mayor and Council this date;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Takoma Park, Maryland, that the action of the School Board of Montgomery County in negotiating for an option to purchase the necessary acreage for the expansion of educational facilities in Takoma Park, Maryland, be indorsed and commended, and that the said resolution adopted by the Montgomery County Civic Federation be and the same is hereby indorsed.

Mr. Orcutt moved the adoption of this Resolution, and upon being seconded by Mr. Conger, same was adopted.

Regarding the application of Mr. R. L. McCary for re-zoning a portion of Block 54, Gilberts Sub-Division, Mr. Orcutt stated that a public hearing had been held on this matter on Oct. 5th, 1936, but that the Committee as a whole was not in accord on a recommendation to make to the Council, and read to the Mayor and Council a majority Committee report by Councilmen Axtell and Taft, in which it was recommended that the application be approved, and a minority Committee report by Councilman Orcutt, in which it was recommended that the application be disapproved. (copies of complete reports in Civic Improvement and Education Committee File).

Mr. Conger moved that the Minority Report, and the recommendation therein be approved. Mr. Orcutt seconded the motion. On a roll call vote the motion was approved; Councilmen Conger, Orcutt and Waters voting in favor of and Councilmen Axtell and Taft voting against same. Councilman Duehring not voting, stating that he had not had time to fully consider the matter.

MUNICIPAL SERVICE COMMITTEE:- Mr. Duehring, Chairman, moved that a street light be placed opposite house number 818 Davis Ave. Motion seconded by Mr. Conger and approved.

Mr. Duehring presented a consolidated monthly police report and stated that several other matters now under consideration would be brought up later for action.

LAW AND ORDINANCE COMMITTEE:- Mr. Taft, Chairman, read to the Council a proposed Ordinance granting an easement by the Town in certain portions of State highways within the limits of the Town, and recommended that the Mayor and Council consider same, and that if the Ordinance should meet with the approval of the Mayor and Council, that a copy thereof be submitted to the State Roads Commission for its approval of same before such Ordinance shall be enacted. (copy of proposed Ordinance in Law and Ordinance Committee file). After discussion of the matter Mr. Taft moved the approval of same as a proposed Ordinance, and that a copy thereof be submitted to the State Roads Commission for its approval. Motion seconded by Mr. Orcutt and approved.

Mr. Taft stated that some directional signs had been furnished

by the Keystone Automobile Club to the Washington Sanitarium and College, but that before the erection of same the Sanitarium and College desired the approval of the Mayor and Council. On motion permission was granted to erect these signs under the supervision of the Municipal Service Committee.

PUBLIC WELFARE AND HEALTH COMMITTEE:-- Mr. Waters, Chairman, read a report from the Dog Officer, reporting five dogs and one cat impounded during the month.

Mr. Waters also stated that the hearing on the transit problem was in progress before the Public Utilities Commission, and that he had no definite report to make, but that he would convey to the Commission the wishes of the Takoma Park people as brought forth at the public meeting held in Takoma Park.

Mayor Adams asked Mr. Waters to give serious consideration to the communication of Mrs. Roy Potts in regard to the inoculation of dogs for rabies, and make recommendation to the Council at a later date.

At the request of Mr. Taft, Mr. D. D. Lamond, Corporation Counsel advised the Mayor and Council the status of the Dodge Mandamus Case, and stated that the Attorneys for Mrs. Dodge and himself were planning to get together at an early date to discuss this matter, and that same would be brought to a conclusion just as quickly as possible.

Mr. Orcutt stated that from all information in the matter the case was in the ordinary process of handling, and that he did not see any reason for the Council to interfere.

On motion Council adjourned at 9:40 P. M.

*J. Helm Dodd*  
Clerk.

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Mayor

SPECIAL MEETING  
MAYOR AND COUNCIL  
NOV. 24th, 1936

Meeting called to order at eight o'clock P.M.

Those present were Mayor Adams, Councilmen Axtell, Conger, Duehring, Orcutt and Taft.

Mayor Adams stated that the principal matter of business to come before the Council was to receive report of the Municipal Service Committee in connection with the accident to the Police Car on the morning of Nov. 12th, 1936, while in the hands of Sgt. Frank Lane.

Mr. Duehring read a report of the accident which he obtained from Sgt. Lane (copy of report in the Municipal Service file), and stated that after an investigation by his Committee, Committee desired to make the following report:--

SPECIAL REPORT OF THE COMMITTEE ON MUNICIPAL SERVICE

Pursuant to the instructions of the Mayor and Council, at its meeting of November 12th, 1936, the Committee has carefully and fully investigated the facts and circumstances surrounding the wrecking of the Town police car, on the morning of the 12th of November, 1936, has interviewed all available witnesses, and has fully considered all of the facts which have been presented to your Committee. Your Committee believes that, under the instructions of the Mayor and Council, its sole function is to make full investigation of the facts, and to report to the Mayor and Council its recommendations with respect thereto, and that it is not within the province of the Committee to attempt to make any findings of fact, or to draw conclusions of facts; that is the function vested in the full Council after such hearing as it shall deem proper, and upon such facts as may be adduced at such hearing.

Without attempting, in any manner, to express any opinion or conclusion as to the facts in the issue, your Committee is of the opinion that, upon all the evidence before it, there exists such reasonable and probable cause to believe that Police Officer Lane committed the acts set out in the following proposed specifications of charges, that a hearing and trial of the facts should be held, and, to the end that a proper and judicial determination of the facts in issue may be had, your Committee, therefore, respectfully recommends to the Mayor and Council that the following charges be preferred against said Officer Lane, that a hearing be accorded to said Officer Lane upon said charges, at as early a date as may be convenient to the Mayor and Council, that each and every witness having any personal knowledge of any facts pertaining to said charges be requested to appear at said hearing, and that due notice of such hearing, together with a copy of said specification of charges, be served personally upon said Officer Lane, one week at least before the date of said hearing.



PROPOSED SPECIFICATION OF CHARGES

That Officer Frank Lane, being a police officer of the Town of Takoma Park, in the early hours of the morning of November 12th, 1936, while not on official duty, did wrongfully and without authority, take and appropriate to his own use the police automobile belonging to the Town of Takoma Park, and did wrongfully take and drive the same out of the limits of the Town of Takoma Park upon other than the public business, and, while so using said automobile, did so drive the same outside of the limits of the said Town of Takoma Park, that the said automobile was caused to be driven off from the highway and caused to be wrecked and substantially destroyed, and that said Officer Lane failed to make a reasonable and proper report of said accident.

Mr. Conger inquired of Mr. Duehring if the report and recommendations therein was the unanimous agreement of the Committee, and upon being advised that such was the case, Mr. Conger moved that the report and recommendations of the Committee be approved. Motion seconded by Mr. Taft and approved.

Mr. Orcutt moved that Tuesday, Dec. 8th, 1936, at 7:00 o'clock P.M., at the Town offices in the Citizens Bank Bldg., be fixed as the time and place for the hearing against Officer Lane, and that a copy of the specification of charges be served upon Officer Lane at least seven days before said hearing, and that Officer Lane be directed to appear at that time with such witnesses as he sees fit to produce, and with Counsel if he chooses to have Counsel. Motion seconded by Mr. Duehring and approved.

Mr. Conger moved that the usual appropriation of \$25.00 be made to the Montgomery County Social Service League. Motion seconded by Mr. Duehring and approved.

The matter of appointment of a Fire Marshall for the Town was discussed, and upon motion of Mr. Duehring, seconded by Mr. Orcutt, Mr. E. B. Fetty was appointed Fire Marshall for the ensuing year.

A letter was read by the Clerk from the Takoma Park Vol. Fire Department regarding a fire hazard existing at the corner of Carroll and Grant Avenues, due to the flames from the stack of a dry cleaning establishment at the corner of Carroll and Grant Avenues, opposite the gas station nowing being constructed. This communication was referred to the Fire Marshall for investigation.

On motion Council atjourned at 10:35.

*J. William Bell*  
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 Clerk

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 Mayor