

SPECIAL MEETING
MAYOR AND COUNCIL
MARCH 14, 1939.

Meeting called to order at 8:00 P. M. Those present were Mayor Adams, Councilmen Axtell, Conger, Duehring, Orcutt, Taft and Waters.

Meeting called for the purpose of dicussion of the Bill to be presented to the General Assembly of Maryland by the Young Men's Democratic Club of Takoma Park, Montgomery County, Maryland, prosoing certain changes in the Charter of the Town. After a lengthy discussion of this matter the following Resolution was presented by Councilman Orcutt.

BE IT RESOLVED by the Mayor and Council of the Town of Takoma Park, Maryland, as follows:--

WHEREAS, The Young Men's Democratic Club of Takoma Park, Montgomery County, Maryland, has, or is about to present for introduction to the General Assembly of Maryland, a Bill to amend the Charter of the Town of Takoma Park, Maryland, situated partly in Montgomery County, and partly in Prince George's County, providing, among other things for biennial elections in said Town, to require the Supervisors of Election for Montgomery and Prince George's Counties to certify lists of registered voters in State and County elections, to provide that only persons so certified shall vote in Town elections, and to repeal in toto all existing provisions of the Town Charter relative to registration of voters; and

WHEREAS, the said Bill, having been discussed at conferences between the said Mayor and Council and a Committee of said Young Men's Democratic Club, is, in the opinion of the said Mayor and Council, not for the best interests of the inhabitants of said Town,

and, on reliable information and belief, is not favored or sanctioned by and is disapproved by a large majority of the citizens of said Town, and is supported only by a small minority of its citizens, and, therefore, has the emphatic disapproval of said Mayor and Council; and

WHEREAS, the said Bill has for its purpose the changing of the existing fundamental Charter rights of the citizens of said Town, among other respects, in the right of the suffrage of the citizens of the Town in a manner different from that of any other Municipality in Maryland (except Baltimore City), and in the method of the election of its Municipal officers.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Takoma Park, Maryland, that the said Mayor and Council hereby respectfully represent to the General Assembly of Maryland, as follows:--

(1) - That the said Bill, in the opinion of said Mayor and Council, is not for the best interests of the citizens of said Town, and, therefore, does not meet with the approval of the said Mayor and Council.

(2) - That the said Bill has the support of only a small minority of the citizens of said Town, and does not emanate from the duly constituted officers of said Town, or from any considerable number of its citizens.

(3) - That the enactment of said Bill into law would result in the disfranchisement of a considerable number of the said Town's citizens, property owners, and taxpayers, who, for many years, by authority of law, have participated in the Town elections, including a large number of U. S. Civil Service employees, who, for the purpose

of the civil service requirements, have retained their nominal residences in other States, but who own property and homes and pay taxes in said Town, a class of persons, whose right to vote in Maryland Municipal elections the General Assembly has recognized, as in the Charter granted to the Town of North Brentwood, in said County of Prince George's, and including also many citizens, who for conscientious reasons prefer not to vote in political elections, but desire a voice in the non-partisan government of their Town, all of whom this Bill would disfranchise in Town elections.

(4) - The enactment into law of this Bill would deprive the citizens of said Town of all rights and powers to register the lawful voters of said Town for Municipal elections, a right possessed by law by every other Municipality in the State of Maryland.

(5) - That the enactment of this Bill into law would inflict upon the citizens of the Town a system of registration of its voters by non-municipal bodies, different from that of any other Municipality in the State, the great majority of the Maryland Town Chargers requiring one year's residence in the State, and from three month's to one year's residence in the Town, in order to vote therein, which is the present Charter requirements of this Town, and which are substantially the requirements of the Maryland Declaration of Rights, which guarantees that every citizen having the qualifications prescribed by the Constitution "ought to have the right of suffrage", the Maryland Consitution prescribing that every citizen of the United States, of 21 years of age, who has resided in the State for one year and in his County for six months shall be entitled to vote at all elections.

(6) - That the enactment of this Bill into law would destroy the present salutary requirement of the Town Charter for the election of three Councilmen each year, with three experienced and trained Councilmen holding over, who, experience has shown are of great value to the newly elected members.

(7) - That the principle of geographical distribution of the Councilmen, as to residence, is not objectionable, provided that a referendum is attached to the Bill as herein set forth.

(8) - That no demand for biennial Town elections has come to the attention of the said Mayor and Council, except from the proponents of said Bill, the said Young Men's Democratic Club of Takoma Park, Montgomery County, Maryland, whose members constitute a small minority of the citizens.

(9) - That the Citizens Association and the Community League of this Town have unanimously voted that, in the event of the passage of any such Bill, a referendum clause be inserted therein for submission to the voters of the Town for approval or disapproval, which position, in the opinion of the said Mayor and Council, meets with the overwhelming wishes of the citizens of this Town; and

BE IT FURTHER RESOLVED that the General Assembly be respectfully requested to grant to said Mayor and Council and to the citizens of the Town, the right to be heard upon the merits of said Bill, before the appropriate Committee of the General Assembly, or before the joint Montgomery and Prince George's Counties Delegations, before the said Bill shall be considered by the General Assembly; and

BE IT FURTHER RESOLVED that, pursuant to the right of petition guaranteed by the Declaration of Rights of Maryland, the said Mayor and Council respectfully petitions and prays the General Assembly, in the event of the passage of said Bill or any part thereof, to insert therein and add thereto a referendum clause, submitting such Act to the voters of the Town of Takoma Park for their approval or disapproval before the same shall take effect, upon the incontestably sound and democratic principle that the people of the Municipality should be consulted before their fundamental charter rights shall be altered or destroyed, and to the end that it may be determined whether the people of the Town desire any such charter changes; and

BE IT FURTHER RESOLVED that copies of this Resolution be respectfully transmitted to His Excellency, the Governor of the State of Maryland, the Secretary of the State Senate, to the Clerk of the House of Delegates, and to each Senator and Delegate of the General Assembly from Montgomery and Prince George's Counties, respectively.

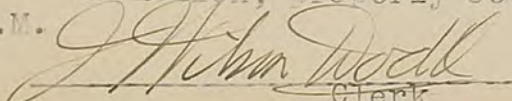
Mr. Duehring moved the adoption of this Resolution and upon being seconded by Mr. Taft, same was unanimously adopted.

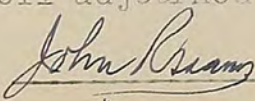
Mayor Adams advised the Council that plat and deed for the conveying of a right of way for Woodland Avenue extended from the present Town way into the J. Enos Ray School ground to the Town of Takoma Park, was ready for execution, and requested authorization for the execution of same.

Mr. Orcutt moved that the Mayor be authorized and empowered to join in the execution of a certain deed, dated March 9th 1939, between the Adams heirs and the County Board of Education of Prince George's County, and the Town of Takoma Park, Md., conveying to the Town a right of way for Woodland Avenue Extended from the present Town way into the J. Enos Ray School Ground. Motion was seconded by Mr. Conger and approved.

On motion, properly seconded, Council adjourned at 10:15

P.M.

Indexed

 Clerk



Mayor

REGULAR MEETING
MAYOR AND COUNCIL
MARCH 20-1939.

Meeting called to order at eight o'clock P. M.
Those present were the Mayor, Councilmen Axtell, Conger,
Duehring, Orcutt, Waters .

Minutes of the Regular meeting of Feb. 20th and March
14th, 1939, were approved.

Financial statement for the month of February, 1939, was
presented by the Treasurer, and ordered filed, as follows:--

RECEIPTS:-

General Taxes-----	\$ 2,071.95
Interest and Penalties-----	236.64
Charges-----	32.25
Special Assessments-----	804.13
Building Permits-----	19.00
Electrical Permits-----	4.00
Dog Tax-----	55.00
Vendor Permits-----	1.00
Fines-----	50.80
Tax Certificates redeemed-----	73.14
Taxicab Badge Deposit-----	1.00
<u>Total-----</u>	<u>\$3,348.91</u>

BANK STATEMENT

GENERAL ACCOUNT

Jan. 31st - On hand Citizens Bank	4,220.82	
Deposits in Feb.	3,093.83	
	<u>7,314.65</u>	
Withdrawn in Feb.	3,669.70	
Feb. 28th - On hand		\$ 3,644.95
Jan. 31st - On hand Sub.Natl. Bank Silver Springs	785.96	
No deps. or withdrawals		
Feb. 28th - On hand		785.96
Jan. 31st - On hand Sub. Natl. Bank Takoma Park, Md.	3,403.95	
Deposits in Feb.	255.08	
	<u>3,659.03</u>	
No withdrawals in Feb.		
Feb. 28th - On hand		3,659.03
Jan. 31st - On hand Bank of Bethesda	4,997.74	
No deps. or withdrawals		
Feb. 28th - On hand		4,997.74

Jan. 31st - On hand Pr. Geo. Trust Co. No depts. or withdrawals	5,024.88	
Feb. 28th - On hand		5,024.88
Jan. 31st - On hand Farmers Bank & Trust-Rockville-	5,000.00	
Feb. 28th - On hand		5,000.00
Feb. 28th - On hand all banks		\$23,112.56

REVOLVING FUND

Jan. 31st - On hand Citizens Bank No deposits in Feb.	5,821.02	
Feb. 28th - On hand		5,821.02
Jan. 31st - On hand Sub. Nat. Bank Takoma Park, Md.	320.52	
Feb. 28th - On hand		320.52
Jan. 31st - On hand Sub. Natl. Bank Silver Spring	4,000.00	
Feb. 28th - On hand		4,000.00
Feb. 28th - On hand all banks		\$10,141.54

DISBURSEMENTS:-

STREETS:-

Labor	302.40	
Material	62.60	
Gas-Oil-Auto Upkeep-Supplies	147.01	
Equipment-New Pick-up truck	557.67	1,069.68

SERVICE:

Trash-Labor	100.00	
Garbage-Labor	270.00	
" - Gas-Oil-Auto Upkeep	40.50	
Ash-Labor	116.40	
Street Lights	476.69	1,003.59

POLICE:

Salaries	365.00	
Clothing Allowance	30.00	
Gas-Oil-Auto Upkeep	77.30	
Coal-Tel.-Lights	42.04	
Misc. Supplies	1.10	515.44

OFFICE:

Salaries	536.00	
Printing	45.08	
Postage	8.00	
Tels. & Supplies	25.29	614.37

PARKS AND PLAYGROUNDS:-

Material	2.95	2.95
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MISCELLANEOUS:-

Library Assn.	150.00	
Recording Fees	3.00	
Tax Sale Certificate redeemed	64.17	
Prince George's Co. Transfers	4.00	
Mont. County Police Tel.	12.00	
Welfare Center Tel.	4.90	
Dog Expense	10.60	
Office Rent	55.00	
Justice of Peace Salaries	70.00	
Corp. Counsel Compensation	50.00	
Building Inspector Expense	15.00	
E.E. Blodgett-retirement	25.00	463.67

Total\$3,669.70

COMMUNICATIONS:-

From Gardin C. Waters, Sec'y. Takoma Park Vol. Fire Dept., relative to hazards in heating plants discovered in two homes in Takoma Park, and requesting that some action be taken to remedy same and prevent further creation of same. Referred to Municipal Service Committee.

From Louise H. Judd requesting refund and reduction of taxes on parcel of land owned by her in the rear of the Philadelphia Avenue Playground. To finance Committee.

From W. A. Mellen regarding refund of taxes on lots which passed from his name in 1934 to the Prince George's County Commissioners. Referred to Law and Ordinance Committee.

From H. Wilson Spicknall, regarding Chapter 450 of the Acts of the General Assembly of Maryland of 1937, effective June 1st, 1938, regarding the collection of taxes and street assessments due to any Municipality in Prince George's County, and requesting a donation from the Town to help defray expense of a test case to prove the validity of the Act. Referred to the Law and Ordinance Committee.

From John N. Torvestad, Secretary-Treasurer of the Maryland League of Municipalities, enclosing membership form with the request that same be filled out immediately and sent along with membership fee. Referred to Finance Committee.

From Tom Connor, Executive Secretary of the Maryland League of Municipalities regarding Gasoline Tax Bill to be presented to the Maryland General Assembly regarding the distribution of the gas tax to Incorporated Towns. Referred to Committee as a whole.

From Thomas Hampton, Secretary-Treasurer, of the Maryland National Capital Park and Planning Commission, regarding the rezoning of part of Lot 7, Block 52, from Residential "A" to Commercial "D". Referred to Civic Improvement and Education Committee.

From Robert E. Lohr, Chairman of Streets and Lights Committee of the Takoma Park Chamber of Commerce, regarding removal of tree at bad curve on Cedar Avenue adjacent to Williams property. To Municipal Works Committee.

From Thornton D. Weakley, making application for position on Town Police force. To Municipal Service Committee.

From H. H. Cobban, Asst. Treasurer of the General Conference Corp. S.D.A. thanking the Mayor and Council for their action in providing parking space for cars during church services on Saturdays.

From Stephen W. Williams requesting installation of culvert under Dogwood Avenue, adjacent to Cedar Avenue. To Municipal Works Committee.

From Walter Irey, Secretary of the Takoma Park Citizens Association, inviting the Mayor and Council and Town officials to attend the 50th Anniversary celebration of the Association on March 25th, 1939.

From Dr. Hollister, Roanoke Ave., requesting information as to the proper location for construction of sidewalk on front of his residence on Roanoke Avenue. To Municipal Works Committee.

From David Abercrombie, President of the Takoma Park Vol. Fire Dept., requesting the installation of an extension telephone line from the Department Bldg. to the Town Police Dept. in order that the Police Dept. in order that the Police Dept. may be advised immediately when an alarm is sounded, and have information as to the location of the fire. To Municipal Service Committee.

Mr. Harry Dodge addressed Council and requested that a culver be installed under Dogwood Avenue adjacent to Cedar Ave.

FINANCE COMMITTEE:- On motion, properly seconded, membership in the Maryland League of Municipalities was approved, fee of \$35. to be paid.

Bills were presented for approval by the Committee in amount of \$931.24, and payment of same was approved.

MUNICIPAL WORKS COMMITTEE:-

With reference to the request of Mr. Stephen W. Williams and Mr. Harry Dodge for installation of culvert under Dogwood Ave., Mr. Axtell, Chairman, stated that this matter would be taken up with his Committee and recommendation to Council made at a later date.

Mr. Axtell presented a plat made by Mr. Jas. M. Seybolt, Engineer, of proposed condemnation of a portion of Jackson and Boyd Avenues, and after discussion of this matter Mr. Axtell moved that the plat prepared by Mr. Jas. M. Seybolt showing Jackson Avenue, between Ethan Allen Avenue and a point approximately 150' to the North of Lincoln Avenue, and Boyd Avenue from the present dedicated street to Jackson Avenue, be approved, and referred to the Corporation Counsel and the Law and Ordinance Committee for the drawing of proper Ordinances in preparation of condemnation of the property for highway purposes. Motion seconded by Mr. Orcutt and approved.

CIVIC IMPROVEMENT AND EDUCATION COMMITTEE:-- Mr. Orcutt, Chairman, stated that the communication from Mrs. Philhower asking permission to plant Silver Maple trees in the parking adjacent to her residence at 119 Sherman Avenue, had been given consideration by his Committee, and that the Committee recommended that permission be granted, and Mr. Orcutt moved that permission be granted to Mrs. Philhower to plant silver maple trees in the parking adjacent to her residence at 119 Sherman Avenue, same to be planted under the supervision of the Supt. of Public Works. Motion seconded by Mr. Axtell and approved.

Regarding the letter from the Prince George's County Municipal Association, Mr. Orcutt stated that the Committee feels that the purpose of this request to join in a test suit is an excellent one, and would be of great interest to the Town, and recommended that the communication be referred to the Corporation Counsel for an opinion as to the legality of the appropriation of Town funds by the Council to help defray the expense of such a suit, and that in order to save time, Committee recommended, that the request for an appropriation of \$30.00 by the Town be approved, subject to the approval as to its legality by the Corporation Counsel. Upon motion of Mr. Orcutt, seconded by Mr. Axtell, these recommendations were approved.

With regard to the communication from the Maryland National Capital Park and Planning Commission in connection with the petition of Mr. Wm. Ford for the rezoning of part of Lot 7, Block 52, from Residential "A" to Commercial "D", Mr. Orcutt moved that the Corporation Counsel and the Building Inspector be requested to appear at the hearing on this matter and to represent any interests of the Town which may be involved in this hearing. Motion seconded by Mr. Axtell and approved.

MUNICIPAL SERVICE COMMITTEE:-- In reference to request of Mr. Abercrombie that the Fire Department be given permission to extend telephone line from the Fire Department to the Police Station, after discussion of this matter, Mr. Duehring moved that permission be granted for this extension at no cost to the Town, if the Town so wished. Motion seconded by Mr. Conger and approved.

Mr. Duehring stated that he had some taxicab applications on which he was not prepared to make any recommendation as his Committee had not had a meeting with reference to same.

With reference to the application of Mr. Weakley for a position on the Town Police Force, Mr. Duehring stated that this application would be put on file for future reference.

Mr. Duehring presented a report regarding an accident to the Police Car on Philadelphia Avenue, and stated that his Committee would hold a meeting in connection with same and would make recommendations to the Council at a later date.

HEALTH AND WELFARE COMMITTEE:-- Mr. Waters, Chairman, advised that the Health and Welfare Committee would like to occupy quarters at the building recently purchased by the Town on Columbia Avenue, at as early a date as possible and suggested that the Mayor and Council, with the Superintendent of Public Works, and the Clerk and Treasurer, Building Inspector and Electrical Inspector visit the building at a date to their satisfaction and discuss the matter of putting this building in shap for occupancy. After discussion of this matter Mayor Adams set a date for the meeting at this building on Sunday, afternoon, March 25th.

(Insert here Ordinances No. 680 and 681)

On motion properly seconded, Council adjourned at 10:45 P.M.

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J. William Dodd
Clerk.

John Adams
Mayor.

SPECIAL MEETING
MAYOR AND COUNCIL
APRIL 8, 1939.

Meeting called to order at 10:00 P. M. Those present were Mayor Adams, Councilmen Axtell, Conger, Duehring, Orcutt, Taft and Waters.

The matter of the House Bill No. 658, recently passed by the Maryland General Assembly, regarding amendments to the Town Charter was discussed at length, following which, Mr. Orcutt offered the following Resolution:--

BE IT RESOLVED by the Mayor and Council of the Town of Takoma Park, Maryland, as follows:

WHEREAS, the General Assembly of Maryland has recently passed and enacted House Bill Number 658, providing for several material, fundamental, and radical changes in the Charter of this Town, without having incorporated in said Bill any provision for a referendum to the voters and property owners of the said Town, over the earnest and solemn protests of the said Mayor and Council, and of a large number of the citizens and voters of the

(Minutes of March 20th, 1939) -Mr. Orcutt offered the following Ordinance and moved its adoption.

ORDINANCE NO. 680

62 1/2

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

Section 1. That in accordance with the provisions of the Town Charter, the Town Clerk is hereby directed to call a meeting of the citizens of the Town for the purpose of nominating candidates for Councilmen, to be voted on at the annual election, to be held on May 1st, 1939. Said meeting of citizens will be held at the Takoma Park Volunteer Fire Dept. Building on Monday, April 17th, 1939, convening at 8:00 o'clock P. M.

Adoption was seconded by Mr. Conger, and on a Yea and Nay vote same was adopted. Voting Yea, the Mayor, Councilmen Axtell, Duehring, Conger, Orcutt, Waters. Voting Nay, none.

Mr. Orcutt also offered the following Ordinance, and moved its adoption.:

ORDINANCE NO. 681

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

Section 1. That in accordance with the provisions of the Town Charter, a general election is hereby called for Monday, May 1st, 1939. Said election will be held at the Takoma Park Volunteer Fire Department Building, Carroll and Denwood Avenues, at which time and place the qualified voters of the Town will cast their ballots for three Councilmen. The three Councilmen elected to serve for a term of two years, beginning with the first Monday in June, 1939.

Section 2. The polls for said election shall be opened at 6:00 o'clock A.M. and shall be closed at 7:00 o'clock P.M.

Adoption was seconded by Councilman Conger, and upon a Yea and Nay vote, same was adopted. Voting Yea, the Mayor, Councilmen Axtell, Conger, Duehring, Orcutt and Waters. Voting Nay, none.

said Town, including several civic organizations of the said Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the said Town that His Excellency, Herbert R. O'Connor, Governor of the State of Maryland, be and he is hereby respectfully petitioned to veto said House Bill No. 658, for the following reasons; namely:

1. That the said Bill, if it becomes a law, will change the fundamental rights of the citizens of this Town, in the matter of local self-government, without affording the citizens and taxpayers of this Town any opportunity to express their approval or disapproval of such changes by way of a referendum, a right that in justice and equity is inherent in local self government.

2. That the said Bill, if it becomes a law, will bring about the disfranchisements of a considerable number of its citizens and taxpayers, who for many years have enjoyed by law the right to participate in municipal elections, in common with the citizens of the large majority of the Towns of Montgomery and Prince George's Counties.

3. That the said Bill seeks to compel all citizens and taxpayers of this Town, without their consent, to first become registered for State and County elections, before being permitted to vote in municipal elections, and places in the hands of officials, who do not reside in this Town, namely, the Election Supervisors of said Two Counties, the sole jurisdiction of registering voters for its municipal elections, a provision not imposed upon any other incorporated Town within the entire State of Maryland.

4. That the said Bill, if it becomes law, will impose upon the citizens and taxpayers of this Town, without their consent, a system of biennial elections of the Mayor and members of the Council of this Town, and deprive them of the present wise and salutary provision of this Town's Charter, which provides for the election of one-half of the Council each year, thus securing the presence on said Council of at least three experienced members, and at a direct variance with the action of the General Assembly in providing, at its recent session, for the staggered municipal elections in the Town of Cottage City.

5. That the present charter provisions of this Town, prescribing one year's residence in the State of Maryland and three months residence in the Town, conform to the provisions of the Constitution of Maryland, and with the charter provisions of a large majority of the incorporated Towns of the State, which provisions as effectually preclude the voting in municipal elections in this Town of "transients", which is the class of persons the proponents of said bill profess to desire to prevent voting in municipal elections, as do the existing provisions of the State Election laws prevent the voting of such "transients" in State and County elections.

6. That the said Bill has been unanimously disapproved by the Citizens Association and Community League of this Town, as well as by the Town Chamber of Commerce, unless a referendum provision be incorporated therein, which the General Assembly saw fit to exclude from its provisions.

7. That the said Bill, in the sincere and advised opinion of the said Mayor and Council, is not for the best interest of

the citizens of this Town, and is not supported or desired by the large majority of the citizens of this Town.

BE IT FURTHER RESOLVED by said Mayor and Council that His Excellency, Herbert R. O'Connor, Governor, be respectfully requested to grant to the Mayor and Council of the said Town, as its duly constituted governing officials, and to the citizens of this Town, an opportunity to appear before His Excellency, the Governor, then and there to express their reasons why, in their opinion, the said House Bill No. 658 should receive His Excellency, the Governor's veto: and

BE IT FURTHER RESOLVED that a copy of this Resolution be respectfully submitted to His Excellency, Herbert R. O'Connor, Governor of the State of Maryland.

~~Matter of construction of culvert under Dogwood Avenue~~

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

Matter of construction of culvert under Dogwood Ave. was discussed at length, after which Mr. Axtell moved that the Supt. of Public Works be authorized to construct this culvert. Motion seconded by Mr. Conger and approved. (Mr. Duehring not voting).

Dr. C. C. Waters presented to the Mayor and Council his resignation as Councilman, stating that this step was necessary due to the fact that he had been transferred from his present position in Washington, D.C., to St. Paul, Minn.

The Mayor and Council expressed their sincere regrets in losing the capable services of Dr. Waters as a member of the governing body of the Town, and Mr. Duehring moved that the resignation of Dr. Waters be accepted, under the circumstances, with regret. Motion seconded by Mr. Taft and approved. (Mr. Conger voting "no".)

After a lengthy discussion in connection with the filling of the vacancy created by the resignation of Dr. Waters from the Council, Mr. Orcutt moved that Mr. Phillip Huck be appointed to fill the unexpired term of Dr. Waters. Motion seconded by Mr. Taft and approved.

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P.M. Upon motion, properly seconded, Council adjourned at 11:20

J. William Dodd
Clerk.

John Adams
Mayor