

TOWN OF KEEDYSVILLE, MARYLAND

"Where Northern Thrift and Personality Blend with Southern Charm and Hospitality"

P.O. Box 359
19 South Main Street
Keedysville, MD 21756
301-432-5795
www.keedysvillemd.com



Ken Lord, Mayor
Barry Levey, Assistant Mayor
Gina Ellis, Council Member
Judy Kerns, Council Member
Matthew Hull, Council Member

July 1, 2020

NOTE: This meeting was held in Town Hall closed to the public due to the COVID-19 virus. It was aired for the public on Facebook Live.

The monthly meeting of the Keedysville Town Council was called to order at 7:00pm with the following members present: Mayor Ken Lord, Assistant Mayor Barry Levey, Council Members Judy Kerns, Gina Ellis, and Matt Hull and Town Administrator Rick Bishop.

The minutes for June, 2020 were read and approved.

General Fund report was \$498,667.77

Mayor Lord noted the announcements listed on the agenda.

Mr. Levey gave the Community Deputy update.

Mr. Bishop gave an update on the SHA Main Street project. He said the work was nearing substantial completion. Ms. Kerns asked about whether there would be more landscaping done. He said there would be more done, but he was not sure where.

Mr. Levey made a motion to accept the bid from Huntzberry Bros. for the Antietam Waterline Replacement & Extension Project. Mr. Hull seconded. Motion passed unanimously.

Ms. Kerns expressed that plans need to be made for 15 S. Main Street. She said that due to Covid, grant funds were drying up, so the competition will be greater. Mr. Hull said that the first thing to be done is stream bank restoration. He said he will be working on it.

Ms. Kerns discussed banners for the pedestrian lights. She presented several options. Mr. Levey made a motion to purchase the least expensive option. Mr. Hull seconded. Motion passed unanimously.

Mayor Lord noted the plaque that was presented to the Town listing the Mayors of Keedysville from 1872 to the present. He said it was prepared and donated by Gina, Eric & Ted Ellis. He thanked them for their work.

Approved

The Council reviewed four proposals from Simmons Solutions for repairs to Town Hall. Mr. Hull made a motion to move forward with the proposal to paint the Town Hall roof and the proposal to install a gutter on the front of Town Hall and do repointing work. Mr. Levey seconded.

The Council discussed three text amendments to the Zoning Ordinance that the Planning & Zoning Commission has endorsed. They related to Article 2, Definitions and Article 3, Section 305, Sub-section D, paragraphs 6 & 13. The proposed text amendments are attached to these minutes. Mr. Hull made a motion to have the attorney draft and ordinance for the amendments. Mr. Levey seconded. Motion passed unanimously.

Mr. Bishop noted a comment from Jim Kerns that the Town might want to investigate repairing or rehabbing the drainage swale that leads to the inlet at 46 So. Main Street.

Mr. Bishop noted that Bonnie's at the Red Byrd would like to use the old Keedysville signs. The Council said great.

The Council discussed proposed increases in building permit fees that the Planning & Zoning Commission has endorsed. The proposed fees are attached to these minutes. Ms. Ellis made a motion to adopt the fee increases. Ms. Kerns seconded. Motion passed unanimously.

Ms. Ellis noted that this would be her last meeting as she is not running for the Council seat again. Mayor Lord thanked her for her service.

Several comments from residents were read. They are attached to these minutes.

Meeting adjourned at 8:20 pm.

Submitted,
Richard Bishop
Town Administrator

Corporation of Keedysville
July 1, 2020
Agenda
Mayor & Council

NOTE: This meeting will be closed to the public, available to viewing by the public on Facebook Live on "Town of Keedysville". Any comments or concerns regarding the meeting, action taken or proposed action should be submitted in writing by regular or priority mail, email or hand delivery to Richard Bishop, Town Administrator, P.O. Box 359, Keedysville, MD 21756 or via email to townhall@keedysvillemd.com. Said comments will be made part of the minutes of the meeting.

Call to Order

Pledge of Allegiance

Approval of Minutes

General Fund Report: \$90,359.53

Announcements: Town Election on Saturday, July 18th;

 Last day to file for Candidacy-Monday, July 6th;

 Town Hall Closed Friday, July 3rd

Community Deputy Report

Old Business: SHA Project Update; Antietam Waterline Bids; Use of 15 S. Main St.;

 Banner/Flags; Town Hall Repairs; Zoning Ordinance Text Amendments

New Business: Storm Water Drain at 46 S. Main St.; Old Keedysville Signs; Building

 Permit Rates

Comments by Council

Comments from Residents

Adjournment

Water Commission

Call to Order

Approval of Minutes

General Fund Report: \$239,393.52

Old Business: Tank Maintenance Contract Award; Antietam Waterline; MDRWA

 Assistance;

New Business:

Adjournment

DRAFT
ZONING TEXT AMENDMENT
ARTICLE 2: DEFINITIONS, SECTION 203
AGRICULTURE

203 Agriculture

On properties consisting of five (5) acres or more, with or without improvements, the cultivation of soil and the raising and harvesting of products of the soil subject to customary and/or regulatory soil and water conservation practices. Subject to any other applicable rules, regulations, ordinances and/or statutes, **Agriculture** as defined herein shall also include the raising and keeping of livestock, poultry, horses, sheep and the like, but not excluding pigs/swine, so long as the total number does not exceed five (5) and said livestock, poultry, horses, sheep and the like are not housed, located and/or permitted to graze, feed, and/or roam within one hundred (100') feet of any dwelling located on any adjacent property.

DRAFT
AMENDMENT TO ZONING ORDINANCE
ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS
SECTION 305 TABLE OF USE REGULATION (D) (13)

D. RETAIL AND COMMERCIAL SERVICES

SR TR NC

13. Retail businesses intended primarily for neighborhood convenience shopping, including: baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or produce stands, meat markets, pharmacies and stores selling finished/crafted wood products.

SE* SE P

***The uses specified herein are Not Permitted (N) in SR unless the parcel intended for use is five (5) acres or more.**

Note – The purpose of the amendment is to allow the possibility of retail businesses in the nature of the ones specified in SR which currently prohibits same. A minimum of 5 acres would be required in an SR Zoning District.

DRAFT

AMENDMENT TO ZONING ORDINANCE

ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS

SECTION 305 TABLE OF USE REGULATION (D) (6)

D. RETAIL AND COMMERCIAL SERVICES	SR	TR	NC
6. Greenhouses and nurseries, including sales facilities five (5) acres or larger	SE	N	SE

Note – The proposed change is to allow this above use in SR zoning districts. Currently these types of uses are not permitted under any circumstances in SR. The amendment would allow greenhouses and nurseries by Special Exception on parcels of five acres or more.

Current Rates		Average Deck 150 sq. ft.		Average New Home
Base Amount	\$20.00		\$20.00	\$20.00
Unfinished per sq. ft.	\$0.04		\$6.00	\$45.00
Finished per sq. ft.	\$0.07			\$120.00
		Total	\$26.00	\$185.00
		Inspection Fee	\$20.00	\$165.00

Possible Rates		Average Deck 150 sq. ft.		Average New Home
Base Amount	\$50.00		\$50.00	\$50.00
Unfinished per sq. ft.	\$0.10		\$15.00	\$110.00
Finished per sq. ft.	\$0.15			\$255.00
		Total	\$65.00	\$415.00
		Inspection Fee	\$52.00	\$332.00

Resident's Comments for M&C July 1, 2020 Meeting

This pia is incomplete. Please provide the invoice, bills and receipt in which the town paid to have the 8" waterline running from the north western part of circle about 138 or so down to antietam drive installed.

In other words the line that was installed to the hutzells front door. Where they could almost taste it.

Only to be told by town officials you can't afford water it will cost too much.

I want to know how much money the town paid to keep white rocks and hardness from building up on the stonecrest developments brand new water. And how awful they treated residents that have been here for 50 years plus.

Justin Holder 6/26/20 email

From: Justin Holder <jholder2004@gmail.com>
Sent: Wednesday, July 1, 2020 1:12 PM
To: Town Hall; deenay725@yahoo.com; Ken Lord
Cc: Dee
Subject: Fencing in stormwater easements town meeting question, justin holder
Attachments: Screenshot_20200701-115420_Adobe Acrobat.jpg; 20200701_124919.jpg; 20200701_124934.jpg; 1590129981599_MSA_S1255_7145.pdf; 1593623162727_Email #2.pdf; 1593623161976_Email #1.pdf

Mr. Bishop,

I have attached the stonecrest plat. 138 stonecrest the moral residents have a fence that according to dnr survey is in a storm water easement. The plat and deed clearly state that this is prohibited. I attaced a screenshot of page 2 where the plat does state fences are prohibited. The fence is interfering with the storm water management. That management area is draining into a pond storm water 2 pond. Storm water management pond 2 has been an issue since built. The pond floods and destroys the only access to 25 and 28 antietam dr. I would ask that all regulations and rules are followed such that property owners are protected.

Ironically enough the whole reason 25 and 28 antietam are stuck driving the low road that washes out is that the original driveway was hostily plowed over by the developer. The fence in the easement is now also blocking that driveway. Mayor Lord made some very bold statements in email to myself and sheriff mullendore. Statements that have now been shown to be false. I will include those email text with this letter.

I am looking at equality here. What is actually fair. Arbitrary enforcing ordinance and law unjustly. This fence is not just blocking a driveway, the fence is interfering with storm water management such that it is actually damaging another residents property rights.

Here is the response mayor lord sent to me when I asked him to talk to planning and zoning or council about this in an email.

"Not sure when you left your message, but Town Hall closed at noon today. I went and looked and found your message. I've heard from several neighboring residents over the past two days regarding an alleged property dispute over there. It's honestly the first I am hearing of it.

I hear that you found an easement that no one else was aware of. If you feel your property line is in error, or a mistake was made, then that is a civil matter, and the most constructive (and really the only way) to handle it is through the court system. Surveyors and engineers carry liability insurance for this reason. In the case that something was missed, or a mistake was made by those who engineered the site, then they are the responsible party.

The Town Attorney advises me that this is not a matter the Town should address, or can even fix - not even the Planning and Zoning Commission. Again this is a civil matter and addressing it that way is really the only way. It is certainly a more constructive approach than confronting neighboring property owners door to door, and I cannot recommend you contacting these neighboring property owners directly again. People get very upset. They certainly had nothing to do with how the lots were laid out and I strongly urge you to let the legal system handle it. Some of them were quite upset. about the interactions they allegedly had with you.

If you have found a legitimate easement, or some record of rights to a piece of ground, then the courts will see that and some changes will have to be made. But until that happens, please don't take any action or confront neighboring residents. Town Hall is closed now for the weekend, but will reopen Tuesday May 26th. If you want, we can set up a conference call between you, me, the Town Administrator and the Town Attorney to advise you on likely next steps, but again. We can advise you on appropriate next steps, but again, this is not a matter we at the Town can single-handedly fix. .

Ken

"

The other 2 emails attached are the residents with fencing in the storm water easement complaining to the mayor. The mayors actions afterwards. This is an interesting ethical dilemma as of this point the Mayor has dug in on the side of the Morrals. Now those same residents are contributing to the denial of holder property rights. I only hope to be treated fairly in this.

Please read all emails and grievance at tonight's meeting so they are on record.

Thank you,
Justin holder

townhall@keedysvillemd.com

From: mayorkenlord <mayorkenlord@gmail.com>
Sent: Tuesday, June 23, 2020 11:10 AM
To: townhall@keedysvillemd.com
Subject: Fwd: Re: Justin Holder, Antietam Drive, Keedysville

1 of 2 for PIA.

Ken

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: mayorkenlord <mayorkenlord@gmail.com>
Date: 5/21/20 7:05 PM (GMT-05:00)
To: "Mullendore, Doug" <DMullend@washco-md.net>
Cc: Ed Kuczynski <ed.kuczlaw@gmail.com>, "Peyton, Tracey" <tpeyton@washco-md.net>
Subject: Re: Justin Holder, Antietam Drive, Keedysville

Agreed. Thanks for looking into it!

Ken

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Mullendore, Doug" <DMullend@washco-md.net>
Date: 5/21/20 5:50 PM (GMT-05:00)
To: Ken Lord <mayorkenlord@gmail.com>
Cc: Ed Kuczynski <ed.kuczlaw@gmail.com>, "Peyton, Tracey" <tpeyton@washco-md.net>
Subject: Re: Justin Holder, Antietam Drive, Keedysville

Mayor Lord,

I am going to have Major Lazich look into today's call and let you know the results. Pretty much everything is civil in nature but he still cannot go around threatening the neighbors. We will certainly make checks of the area and check for possible drug dealing. However, I would advise the neighbors to seek legal counsel regarding the civil issues. It only takes one person to cause a lot of havoc in a neighborhood.

Sheriff Mullendore

On May 21, 2020, at 5:21 PM, Ken Lord <mayorkenlord@gmail.com> wrote:

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Sheriff Mullendore,

First, thanks for the good work you are doing with the County EOC. I know this is a challenging time and I appreciate everyone's efforts there, and that they keep the municipalities informed. Unfortunately I am reaching out to you re: something else - various complaints/incidents surrounding a new property owner in our town - Justin Holder, of Antietam Drive.

1. Today I received numerous complaints about this individual challenging neighboring property lines - he is coming door to door in the Stonecrest subdivision, threatening to take down neighboring fences, questioning property lines, alleging to hold an easement to the area which he does not have. I also know that some of those residents in Stonecrest are very upset about this and frankly I fear they will take matters into their own hands if his threatening behavior continues.
2. WCSO deputies were at his residence today based on another complaint about his cutting down trees that were not on his property, and which are possible in a conservation area;
3. I've been made aware of a large gathering that is planned to occur at his residence on Antietam Drive on June 20;
4. I've gotten calls from yet another resident about alleged suspicious activity going to and from his residence on Antietam Drive over the past few weeks - cars coming and going at all hours, and especially early morning hours, which the neighbor suspected to be drug related.

Not sure what to do with all of this. Since some of this is property related perhaps it is a civil matter. I can tell you that Stonecrest is a recently completed subdivision, and I'm sure the property lines are accurate. As for the large party planned, not sure if WCSO is enforcing distancing, but pretty sure this would be an easy target. Large gatherings are still prohibited; I'm keeping our town attorney and Deputy Peyton aware of all of this, but with so many issues surrounding one property, I thought I should reach out to you and get this on your radar. I am curious what the outcome was of the WCSO visit to his property today. Any targeted enforcement around that June 20 party is welcomed.

Thanks,
Ken

townhall@keedysvillemd.com

From: mayorkenlord <mayorkenlord@gmail.com>
Sent: Tuesday, June 23, 2020 11:13 AM
To: townhall@keedysvillemd.com
Subject: Fwd: Re: Please advise

2 of 2 for PIA.

Ken

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Ken Lord <mayorkenlord@gmail.com>
Date: 5/21/20 11:13 AM (GMT-05:00)
To: [REDACTED]
Subject: Re: Please advise

Thanks for letting me know about this. We know that he is building one or two homes back there, but were not aware of the other activity. I will share this news with the Town Administrator and the rest of the Town Council and get back to you soon.

~ Thanks,
~ Ken

On Wed, May 20, 2020 at 9:53 PM [REDACTED] wrote:
Good evening Mr. Lord,

We live in the back of Stonecrest. Our home backs to the tree line against the old railroad ravine. I believe our property line is only about 10 feet away from the cut. We have a fence, which we put in that sits about 5 feet from our property line. This email is in reference to the home that is directly across from us on the other side of the rail cut (28 Antietam Dr owned by Deena Holder).

About six months ago we noticed that there was activity beyond their property line. They planted trees on our side of the cut (didn't think much of it, Justin Holder told us it was to add privacy). They have been clearing in areas of land across the cut, seemingly to build something. They have been also clearing areas of land owned by Maryland general real estate as well. Evidently, they have been clearing hiking trails and a swimming area at the creek. Several neighbors on the tree line side of our neighborhood have seen him walking around and taking pictures of the Maryland owned property. We have noticed enough activity that we have become curious as to what he is doing in the state owned area.

Today, Mr. Holder came to our door to invite us to a huge party on June 20th. He said he is having several bands and food. We found this odd because of the current COVID situation. But, we played along to get more information. Mr. Holder told us he has been "renovating the creek area" (owned by the state) and cleaning brush and making it usable for our community. We commend him on this. However, we are convinced that it

is not the community's interest he has in mind. He had marked our property line earlier in the day. Our corner property has a large pile of iron rock which was blasted and left there at the time that the railroad was built in 1867. When we asked him why he was on our side of the ravine marking our corner property line, he told us he has planed to build a driveway along the fence line of five of our homes. He asked if he could remove our rock pile so that he could build it. He told us that years ago there was an easement that his property owns that used to have a driveway there. We found this interesting because the pile of blasted rock has been there since 1867 and no driveway could have existed through them. He said he is going to continue with his plans to take down the conserved tress and build a driveway.

Our questions for you..Do you have any permits on file for any work being done at 28 Antietam Dr? Are you aware that he has been interfering with the Maryland Conserved land area? Can you please advise us on the best approach to his interference? We realize that this would be a civil matter and that if we see him acting on his own without permit or authorization, the police will not be able to help. We would like to be proactive and have this handled before he damages any more trees or rock in the area that is not his property, but that we enjoy as aesthetically pleasing to ours.

We look forward to your advise and approach to this situation.

Best to you,

[REDACTED]

[REDACTED]

Keedysville MD 21756

[REDACTED]

Rick,

If its not too late please add this statement.

I do not distribute illegal narcotics, I do not threaten anyone. I pulled the police reports and so far I have not had one instance in which I was accused by a resident of threatening them. I am a very reasonable and peaceful man and look forward to discussing these issues as a community.