

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

October 7, 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, Matt Hull and Brandon Sweeney and Town Administrator Rick Bishop.

The minutes for September, 2020 were approved.

General Fund report was \$193,325.96.

Mayor Lord noted the announcements listed on the agenda.

Deputy Peyton gave the Community Deputy report.

Ms. Kerns gave an update on the Hometown Heroes banners. She noted that the number of available banner posts is limited and she suggested that the banners should be limited to Keedysville residents. She noted that storage would need to be found for the banners. She also recommended Mercersburg Printing for producing the banners. She said quality and price are the reasons. She said that the cost of the banners would be borne by the residents requesting banners. She suggested the banners could be hung from Memorial Day to Veteran's Day. The Mayor thanked her for her work.

Mr. Bishop said that proposals from Jeter Paving, Huntzberry Bros. and Remsburg paving were expected in to seal coat and re-stripe the basketball court in Taylor Park and the library parking lot. Ms. Kerns asked if a four-square court and hopscotch could be added to the basketball court.

Mr. Hull asked about the digger in the play area in the park. Mr. Bishop said it will be ordered.

Mr. Bishop said that the requested adjustments to the pedestrian lights had been made.

Mr. Bishop said he had spoken with John Reese about hanging the organization signs on the Keedysville signs.

Mr. Hull noted that the scheduled meeting for streambank revitalization was postponed due to illness.

The Council agreed to compile a list of opportunities for community volunteers.

Mr. Hull made a motion to accept the final two proposals from Simmons Solutions for Town Hall repairs. Mr. Sweeney seconded. Motion passed unanimously.

Mr. Bishop presented proposed bid specs and a proposed contract for waste removal services for the period February, 2021 through January, 2024. He asked for comments over the next few days so it could be advertised.

Mr. Bishop said that Ted Ellis had asked for assistance in maintaining the Keedy Cemetery on Mt. Briar Rd. Ms. Kerns that she is already taking care of that.

It was noted that, at his request, emailed comments from Justin Holder regarding a recent Public Information Act request he had made, along with a response from the Town Attorney, would become part of this meeting's minutes.

Meeting adjourned at 7:45pm.

Submitted,

Richard Bishop

Town Administrator

From: Justin Holder <jholder2004@gmail.com>
Sent: Tuesday, October 6, 2020 5:37 PM
To: Town Hall
Subject: To be read at October meeting
Attachments: 2020.10.06 Letter to Kuczynski.pdf; Response 024.pdf; Estimate 024.pdf

To whom it may concern:

Per open meeting law and the first amendment of the constitution please read the following attachments and the body of this email at the Oct 7th meeting. Please read attachments in this order estimate 24.pdf response 24.pdf and the Letter to Ed Kuczynski.pdf.

Body:
To all town residents. My name is Justin Holder. I have been inquiring about complaints made about myself at the end of May. I grew up in this small town, and when I had something to say to a neighbor I stopped over and said it. I tried that on May 20th in Stonecrest circle and was very disappointed in the response. I am also very confused as to why I was responded to so hostilely.

I have included 3 documents. 1 question from myself to the town. The towns \$1000 dollar response and my \$1000 answer. The town is well aware it is illegal to deny a citizen access to public information and the citizen can sue for Attorney's fee's and \$1000. So in effect the town has decided these emails are worth at least \$3000 to hide.

I ask all residents whom enjoy a transparent and accountable local government to ask the Mayor and council to stop hiding behind the terrible advice, of a mediocre attorney. Please note this was not Mr. Bishop the custodian costing the town this fee. Mr Bishop had the documents ready with his estimate promptly. This is your elected officials costing the town thousands of dollars to hide from their embarrassments.

In another note. It is my favorite time of the year. The leaves are bursting with color and the air is crisp! I hope all residents get out and enjoy walking the wonderful old county roads and trails around town. In case anybody is not Familiar the Great Philadelphia Wagon road came directly through our town and is Marylands oldest road! Ted Ellis a resident and has written a thrilling book about " General Braddocks road" . Enjoy!

Sincerely,

Justin Holder

On Fri, Oct 2, 2020, 1:19 PM Justin Holder <jholder2004@gmail.com> wrote:

Thank you for the information. Since this was public information please read the pia request, and all subsequent responses during the next town meeting. I would like the residents to hear and demand the truth!

On Fri, Oct 2, 2020, 11:56 AM <townhall@keedysvillemd.com> wrote:

Justin,

Please see the attached.

Thanks,

Rick Bishop

Town Administrator

P.O. Box 359

Keedysville, MD 21756

301-432-5795

Office Hours Mon.-Wed. 8:00-4:30; Th.-Fri. 8:00-Noon

From: Justin Holder <jholder2004@gmail.com>

Sent: Monday, September 7, 2020 9:57 AM

To: Town Hall <townhall@keedysvillemd.com>

Subject: Public information request

Please provide the following documents:

All documents, emails, letters, correspondence, text messages conversation notes between any keedysville town official and including the following email addresses (mayorkenlord@gmail.com, blevey@washco-md.net, hullscraneservice@hotmail.com, rick_bishop@keedysvillemd.com, townhall@keedysvillemd.com, and Ken.Lord@dot.gov) and any resident of stonecrest circle or agent thereof such as attorney or representative as well as any agent of fidelity or keystone title insurance as well as any agent of Dan Ryan builders. More specifically conversation regarding a wagon road, or any property, utility, or personal dispute or concerns with property, utility, or criminal activity to include properties on antietam dr and justin and deena holder.

All emails or text messages between rick bishop, or ken lord, or matt hull or barry levey with Matt Powell, the Larson, the selbys, the ickes, the morralls, the wetzels, the Blachcattos all of stonecrest circle or Jeffrey young and wife Cheryl of 13 dog st.

Please include all emails internal to town council and planning and zoning or from town administrator to council or planning and zoning in which the wagon road. Right of way or Easement is mentioned or justin and deena holder and her property on antietam dr. Is mentioned for any reason whatsoever.

Please use the following date range, Jan 1st 2020 through present for the time of message or conversation.

Thanks,

Justin



This email has been checked for viruses by Avast antivirus software.

www.avast.com

KUCZYNSKI & KUCZYNSKI, P.A.

Attorneys at Law
KUCZYNSKI BUILDING
55 N. JONATHAN STREET
HAGERSTOWN, MARYLAND 21740

Telephone
(301) 797-9120

Facsimile
(301) 797-4317

Edward L. Kuczynski

of Counsel
Robert E. Kuczynski

October 7, 2020

Adam Greivell, Esq.
Greivell & Garrott-Johnson, LLC
5 Cornell Ave.
Hagerstown, MD 21742

Re: 9/7/2020 PIA Request – Justin Holder
Clarification

Dear Mr. Greivell:

Thank you for your correspondence dated October 6, 2020 regarding the above-captioned PIA Request and your clarification of same. Since May 22, 2020 your client has submitted thirty-one (31) PIA Requests to the Town of Keedysville. The Town has provided to the best of its ability the information requested by Mr. Holder in all of his previous requests. However, as you indicate in your letter, Mr. Holder did not clearly communicate his request in his September 7, 2020 email to the Town and the Request includes information that the Town is not required to provide and/or should not provide under the Maryland Public Information Act.

The Town's Revised Response is set forth in this letter and will be addressed using the headings, classifications and terminology contained in your letter. The following addresses Mr. Holder's PIA Request in the context of your October 6 clarification:

First – The Town Manager will assemble and copy the items identified and clarified in your letter under this heading. All personal information, i.e. email addresses, phone numbers, residential addresses, names, etc. relating to Group (B) will be redacted.

Second – The Town Manager will assemble and copy the items identified and clarified in your letter under this heading. All personal information, i.e. email addresses, phone numbers, residential addresses, names, etc. relating to Group (B) will be redacted.

Third – This request is seeking "internal" communications between the town council, which includes the Mayor and Assistant Mayor, the Planning and Zoning members and/or the Town Administrator. During and before the time-frame identified Mr. Holder has placed the Town on written notice on multiple occasions of his intent to file suit against the Town which does not include other comments, verbally and/or in writing, wherein he is generally and/or specifically threatening litigation.

The topic areas that he has included in his formal and informal threats involve "the wagon road...." and/or "justin and deena holder and her property on antietam drive."(sic). The "internal" communications that Mr. Holder is requesting, as defined by him and clarified by you, involve matters that directly relate to your client's threats of litigation. As such, the information he is requesting does not require disclosure under the executive privilege and/or the inter-agency and intra-agency exceptions as same apply under the Maryland Public Information Act. In that regard, the Town is denying the disclosure and production of the information requested in **Third**.

As a point of clarification, Mr. Bishop has not indicated that the documents are "ready for pick-up." The Estimate is provided prior the actual assimilation of the information. Upon payment, the documents/information is researched, assembled and copied. Based upon your representation that Mr. Holder is prepared to pay the Estimated Amount, Mr. Bishop will assemble and copy the items that are requested in **First** and **Second**, notify Mr. Holder when they are ready and let him know the final actual cost.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: ELK

Edward L. Kuczynski

ELK/

Enclosures (as noted above)

Richard Bishop, Town Manager

Corr.Client.02.04.19

October 6, 2020

Via Electronic Mail Only to: ed.kuczlaw@gmail.com

Edward L. Kuczynski, Esq.
KUCZYNSKI & KUCZYNSKI, P.A.
Kuczynski Building
55 N. Jonathan Street
Hagerstown, MD 21740

Re: Matter: 9/7/2020 PIA Request - Justin Holder

Dear Mr. Kuczynski:

I write in response to your September 25, 2020 letter to Richard Bishop, which, per your suggestion, was "utilize[d]" as "the Town's Response" of September 29, 2020 to Mr. Holder's above-referenced PIA Request.

Mr. Holder's requests of September 7, 2020, were stated as:

"All documents, emails, letters, correspondence, text messages conversation notes between any keedysville town official and including the following email addresses (mayorkenlord@gmail.com, blevey@washco-md.net, hullscraneservice@hotmail.com, rick_bishop@keedysvillemd.com, townhall@keedysvillemd.com, and Ken.Lord@dot.gov) and any resident of stonecrest circle or agent thereof such as attorney or representative as well as any agent of fidelity or keystone title insurance as well as any agent of Dan Ryan builders. More specifically conversation regarding a wagon road, or any property, utility, or personal dispute or concerns with property, utility, or criminal activity to include properties on antietam dr and justin and deena holder.

All emails or text messages between rick bishop, or ken lord, or matt hull or barry levey with Matt Powell, the Larson, the selbys, the ickes, the morrals, the wetzels, the Blachcattos all of stonecrest circle or Jeffrey young and wife Cheryl of 13 dog st.

Please include all emails internal to town council and planning and zoning or from town administrator to council or planning and zoning in which the wagon road. Right of way or Easement is mentioned or justin and deena

holder and her property on antietam dr. Is mentioned for any reason whatsoever.

Please use the following date range, Jan 1st 2020 through present for the time of message or conversation.”

Your response indicates that, perhaps Mr. Holder did not clearly communicate all of the information he was requesting, and certain of your comments indicate that you could benefit from “further clarification.” To that end, I will take this opportunity to restate Mr. Holder’s requests so as not to force the Town to “speculate” as to what is being requested.

First, Mr. Holder is requesting:

- All documents, emails, letters, correspondence, text messages, conversation notes between anyone from group (A) and anyone from group (B) identified below.
- Group (A): any Keedysville town official (which would include, at least, persons using the following email addresses: mayorkenlord@gmail.com, blevey@washco-md.net, hullscraneservice@hotmail.com, rick_bishop@keedysvillemd.com, townhall@keedysvillemd.com, and ken.Lord@dot.gov)
- Group (B): any resident of Stonecrest Circle or agent thereof (which shall include any attorney or representative thereof, as well as any agent of Fidelity or Keystone Title Insurance, as well as any agent of Dan Ryan Builders).
- This request should be limited to communications and documents related to the following subjects: any wagon road; any property, utility, or personal dispute; any concerns with property, utility, or criminal activity; any properties on Antietam Drive (Keedysville); and Justin or Deena Holder.
- This request should be limited to the following date range: “January 1st, 2020 through present.”

Your response to this first request indicates that you read this one request as multiple requests. I this clears that up for you.

Second, Mr. Holder is requesting:

- All emails or text messages between anyone from group (A) with anyone from group (B) identified below.
- Group (A): Rick Bishop, Ken Lord, Matt Hull, Barry Levey
- Group (B): Matt Powell, the Larsons, the Selbys, the Ickeses, the Morralls, the Wetzels, the Blachcattos, any resident of Stonecrest Circle, Jeffrey Young and wife Cheryl of 13 Dogstreet Circle”

- This request should be limited to the following date range: "January 1st, 2020 through present."

It appears you recommended the Town deny this request solely on the basis that it is "non-specific" and "would require the disclosure of personal information." I hope that this clarified request eliminates the objection based on "non-specific[ness]," and I further dispute that the existence of "personal information" renders unto the Town discretion to deny disclosure. There seems no reason why the Town could not redact any information that it is permitted or required to protect from disclosure.

Per Mr. Bishop's previous reply with an Estimate, these documents are ready to be picked up. Mr. Holder has the funds ready to turn over to Keedysville immediately. Please advise the earliest time he can retrieve these responsive documents.

Third, Mr. Holder is requesting:

- All emails internal to town council and planning and zoning or from town administrator to council or planning and zoning in which the wagon road. Right of way or Easement is mentioned or justin and deena holder and her property on antietam dr. Is mentioned for any reason whatsoever.
- This request should be limited to the following date range: "January 1st, 2020 through present."

It appears you recommended the Town deny this request on the basis that the information requested is subject to Executive Privilege. I refer you to *Cranford v. Montgomery County*, 300 Md. 759 (1984), which states that the may only be asserted to deny memoranda or letters which would not be available by law to a private party in litigation with the agency and disclosure would be contrary to the public interest. Please note that it is the Town's burden to establish applicability of the privilege in this regard.

Sincerely,



Adam D. Greivell, Esq.

KUCZYNSKI & KUCZYNSKI, P.A.

Attorneys at Law

KUCZYNSKI BUILDING
55 N. JONATHAN STREET
HAGERSTOWN, MARYLAND 21740

Telephone
(301) 797-9120

Facsimile
(301) 797-4317

Edward L. Kuczynski

of Counsel
Robert E. Kuczynski

September 25, 2020

To: Richard Bishop, Town Manager

From: Edward L. Kuczynski, Town Attorney

Matter: 9/7/2020 PIA Request – Justin Holder

Rick,

I have reviewed the Public Information Request that Mr. Holder sent to the Town on September 7, 2020.

I will attempt to address each aspect of the Request and address why we recommend denying the Requests:

1. The first sentence of the first paragraph through the end of the ()'s should not be provided because the communications between the Mayor and the Council are privileged under Executive Privilege or the permitted denial/privilege related to Inter-Agency and Intra-Agency communications which would include the information requested.
2. The second part of the request in paragraph 1 is non-specific and would require the disclosure of personal information that the Town may elect not to disclose.
3. The last sentence of paragraph 1 is difficult to decipher and rambling. The Town should not guess at what is being requested. In that it captures the information addressed in 1 and 2 above, it should be denied. Otherwise, my recommendation is that you not speculate beyond that without further clarification.
4. The information requested in Paragraph 2 of the Request should be denied for the reasons set forth in in 1 through 3 above to the extent applicable.
5. The information requested in Paragraph 3 requests "internal" communications which may be denied for the reasons set forth above. My recommendation would be to deny this part of the Request on that basis.

Feel free to utilize this letter as the Town's Response. Thank you.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: /ELK
Edward L. Kuczynski

ELK/
Enclosures (as noted above)

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Matthew Hull, Council Member

Public Information Act Response

Date: 9/29/30
Name: Justin Holder
Address: P.O. Box 480, Sharpsburg, MD 21782
Phone Number:

Please list items requested below (use separate sheet if necessary):
Please provide the following documents:

All documents, emails, letters, correspondence, text messages conversation notes between any keedysville town official and including the following email addresses (mayorkenlord@gmail.com, blevey@washco-md.net, hullscraneservice@hotmail.com, rick_bishop@keedysvillemd.com, townhall@keedysvillemd.com, and Ken.Lord@dot.gov) and any resident of stonecrest circle or agent thereof such as attorney or representative as well as any agent of fidelity or keystone title insurance as well as any agent of Dan Ryan builders. More specifically conversation regarding a wagon road, or any property, utility, or personal dispute or concerns with property, utility, or criminal activity to include properties on antietam dr and justin and deena holder.

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Please use the following date range, Jan 1st 2020 through present for the time of message or conversation.

Response

After advise from the Town Attorney, this request is denied. Please see the attached correspondence for the basis of the denial.

Compilation Labor Fee (Hour at \$19.00/hour): \$0.00
Copy Fee (Copies @ \$0.13): \$0.00
Total: \$0.00

Requester's Signature and Date

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

Public Information Act Cost Estimate

Date: 9/18/20

Name: Justin Holder

Address: P.O. Box 420 Sharpsburg Pike

Phone Number:

Please list items requested below (use separate sheet if necessary):

Please provide the following documents:

All documents, emails, letters, correspondence, text messages conversation notes between any keedysville town official and including the following email addresses (mayorkenlord@gmail.com, blevey@washco-md.net, hullscraneservice@hotmail.com, rick_bishop@keedysvillemd.com, townhall@keedysvillemd.com, and Ken.Lord@dot.gov) and any resident of stonecrest circle or agent thereof such as attorney or representative as well as any agent of fidelity or keystone title insurance as well as any agent of Dan Ryan builders. More specifically conversation regarding a wagon road, or any property, utility, or personal dispute or concerns with property, utility, or criminal activity to include properties on antietam dr and justin and deena holder.

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Please include all emails internal to town council and planning and zoning or from town administrator to council or planning and zoning in which the wagon road. Right of way or Easement is mentioned or justin and deena holder and her property on antietam dr. Is mentioned for any reason whatsoever.

Please use the following date range, Jan 1st 2020 through present for the time of message or conversation.

Compilation Labor Fee (6 Hours at \$19.00/hour): \$114.00

Copy Fee (Copies 100 @ \$0.13): \$13.00

Total: \$127.00

Requester's Signature and Date