

TOWN OF KEEDYSVILLE, MARYLAND

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

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



Ken Lord, Mayor
Brandon Sweeney, Assistant Mayor
Judy Kerns, Council
Matthew Hull, Council
Sarah Baker, Council

March 3, 2021

The monthly meeting of the Keedysville Town Council was called to order at 7:01pm with the following members present: Mayor Ken Lord, Assistant Mayor Brandon Sweeney, Council Members Judy Kerns, Matt Hull, and Sarah Baker, Town Attorney Ed Kuczynski, Town Administrator Rick Bishop, and Assistant Town Administrator Lisa Riner.

The minutes for February 2021 were approved.

APPROVED

General Fund report was \$203,685.66.

Mayor Lord noted the announcements listed on the agenda.

Mr. Bishop noted the report from Deputy Tracey Peyton would be included with the minutes.

Ms. Kerns said there is a Hometown Hero Banner on display in Town Hall for those who would like to see it. Eleven banner orders are ready to go, and Ms. Kerns is waiting on seven other orders, so the Town has 18 orders with four more interested. Ms. Kerns said it is pretty much at capacity, so if anyone is interested, they need to get banner orders in as soon as possible. Applications will be processed on a first-come, first-served basis. The banners should be up by Memorial Day.

Ms. Riner introduced a condensed summary of the Sustainable Communities application process and program benefits. The application is a big process. Steps to complete for the application process include selecting a target area and creating a workgroup that includes various community stakeholders. Mayor Lord noted that Sustainable Communities is a state-run program, and Ms. Riner confirmed that it is through the State's Department of Housing and Community Development. Creating an action plan is the next step in the application process, followed by passing a local government resolution in support of the application. Community entities must pledge financial resources towards completing the action plan, and the action plan must be consistent with the Town's Comprehensive Plan and other ordinances. There are rolling due dates about once a quarter for the application, so there are many opportunities to submit it. Once submitted, the application goes through a process of approval and can be returned to the Town for revisions before approval if necessary. Renewal must be completed every five years. It is an ongoing

process that seems like an effective tool for the Town to use to set and implement a plan for the Town's future.

Benefits of being designated a Sustainable Community include support from various state agencies and favorable loan opportunities. There are also two grants the Town would be eligible for through the program – Community Legacy Grant and Strategic Demolition Fund. These grants don't require a match, but the State does like to see some contribution from the community. The grants are competitive. Mr. Hull asked if the grants can be used in conjunction with other grants. Ms. Riner said she believed so. Ms. Kerns said that when she spoke an official in Middletown, she noted that being a Sustainable Community opens a community up for a lot of other grants and programs. Ms. Riner noted that being a Sustainable Community can contribute towards getting a Sustainable Maryland designation, so it could be a first step into getting involved in other things. Mayor Lord said he has interest in some of the projects the Town could complete through the program. Mr. Hull said some projects may be a few years off, but it is a process to complete the application anyway. Ms. Riner recommended that the first step in the process would be to create the workgroup. Ms. Riner also noted that public involvement in creating the action plan is required.

Ms. Kerns brought up Main Street beautification. She noted that it is such an eyesore when you come into South Main Street where the equipment is stored. Getting a gazebo and flowers there, or something, would be better. It's where the barn used to be and where they are storing stuff. This might be something the Town could use one of the grants for. Ms. Baker said they did plant some trees there that will hopefully make it look better as they grow. Mayor Lord mentioned it years ago, but since the Town didn't own it, didn't know what could be done. Mayor Lord has also thought we could do something around the county facility to make it look nicer.

After much discussion, Mayor Lord said they would take the Sustainable Communities program under advisement and keep researching.

Mr. Bishop noted that the new computers are pretty much up and running, and that the 8-hour labor estimate for installation seems pretty accurate. Everything is working well. Mr. Bishop purchased a printer/copier without an 11x17 size option. Ms. Baker recommended keeping the old copier to use for larger sizes.

Ms. Kerns asked Mr. Bishop if the Town still has electronic storage of the 250th anniversary stuff, and he said we do. Ms. Kerns said to make sure we keep access to all of that with the computer transition.

Mayor Lord said the Eagle Scout butterfly garden project should be low maintenance, but the Town would be responsible for it. He said the projected cost for maintenance the Scout provided seems high. There is one in Shafer Park in Boonsboro, so it may be worth calling Boonsboro to speak with them about it. Mr. Hull suggested putting it across from the pavilions and playground because there is nothing there. Ms. Baker recommended it not be between the playground and other structures so that kids don't run through it. Ms. Kerns agreed with that. Mr. Hull motioned to allow the Eagle Scout to move forward with this project in the location of option two. Ms. Kerns seconded. All voted in favor.

Mayor Lord brought up having a separate discussion about staff pay policies. Mr. Sweeney recommended postponing the discussion to having a closed, or executive, session on it. Mr. Sweeney recommended scheduling it after next month's council meeting and all agreed.

Mayor Lord read a statement of interest from an individual who lives in Cannon Ridge who is interested in filling the vacancy on the Planning & Zoning Commission. The vacancy had not been posted on the Town website. Mr. Hull would like to table it until next month so we can post it on our website. All agreed.

Mr. Hull asked if we had heard anything about the monument. Mr. Bishop said we haven't and he will follow up on it.

Mr. Bishop asked if the Town would like to renew its weed treatment at the same price. Mr. Hull motioned to accept the proposal. Mr. Sweeney seconded. All voted in favor.

Mr. Bishop noted that each year the Town makes a \$500 donation to Fairview Cemetery. Ms. Kerns motioned to make the \$500 donation, Mr. Sweeney seconded, and all voted in favor.

Mayor Lord brought up resuming Street Sweeping because the streets are getting dirty. Mr. Bishop said we still need to find a location to dump what is collected, but he will work on it.

Ms. Kerns brought up a concern about a work storage trailer parked on South Main Street across from the Reformed Church going the wrong way. Ms. Baker noted that if our community deputy writes citations for Town ordinances, then the Town will get the money.

Mr. Justin Holder sent an email regarding incidents from May 2020, saying that malicious statements were made about him and he would like a retraction. His email and the attachments will be included with the minutes.

Meeting adjourned at 7:49pm.

Respectfully Submitted,
Lisa Riner
Assistant Town Administrator

Justin Holder sent an email regarding incidents from May 2020. He claims that statements were made about him by the Town that were malicious and he demands a retraction. He included a letter to the Office of the State's Attorney describing his damages. His email and attachments will be made part of this meeting's minutes.

From: Justin Holder <jholder2004@gmail.com>
Sent: Saturday, February 20, 2021 12:46 PM
To: Town Hall
Cc: Ed Kuczynski; Ken Lord; hullscraneservice@hotmail.com; Sarah Baker; bsweeney@keedysvillemd.com; Judy Kerns
Subject: Please post my comments in the March Minutes
Attachments: Screenshot_20210220-122219_Gmail.jpg; 1607858191745_1604681713189_2020.10.19 Letter to Joe Michael.pdf

Town of Keedysville,

I appreciate everyone who reads my comments. I am a direct guy, but diplomatic. I prefer to talk to people not pay lawyers. It's easy when you tell the truth, are fair and try your best to be considerate of others needs and feelings. Sometimes they just don't wanna hear the truth and **I insist!**

The readers digest version of this stems from May/June/July 2020. (Please read town minutes from M and c and p and z)

I sent a letter to our Town Attorney. I told him I would not spell it out like he is 5 years old unless he insisted! Letter attached.

Well Mr. Kuczynski called 1 of my many Attorney's and spent over an hour crying to him about how hard my emails are to answer. **So now I insist** they are not difficult.

What Mr. Kuczynski, and the Mayor and Council find difficult is candor. Life is hard when you run out of Lies and excuses.

At least when the Town Administrator "misspeaks" which happens frequently, Mr. Bishop writes me an email and very kindly explains the mistake. Mr. Bishop has earned my respect as such.

I appreciate the hard work of the town. I just want it honest. People are not perfect.

When Mayor Lord and council knew we had a lawyer in June 2020, and continued to cast false light at the July meeting Blatantly and have not yet retracted the lie it is injuring my reputation.

The town had A surveyor and title expert provide an opinion as early as May 21st 2020. The town will not disclose that opinion, or any details about the June 2020 executive session.

Mayor Lord, you opened your mouth and uttered the words, you penned letters to the Sheriff and others, all lies.

This is simple to me. **Retract the statement, restore my reputation or I file suit for \$5.01 in damages plus punitive damages for maliciously continued utterance as the meeting and documents are posted, or utter 1 fact that proves any of your claims to the Sheriff in a May 21st 2020 email posted in July minutes.**

Post all the body cam I sent in as well please. I included the link below my signature. The body cam is the raw truth as harsh as it may be! Record title is the Law as Harsh as it may be! If Mr. Kuczynski has advised otherwise, he is incompetent, hire a better lawyer.

I attached a letter to the State's Attorney. It describes my damage. Please add the letter to the minutes, as another 3 questions I have asked the universe only to hear crickets in response to.

Respectfully,

Justin Holder

https://www.dropbox.com/sh/6twmx9efwik7vfc/AAB91NmabR_whvHufrNnCwaza?dl=0

Body cam link May 29th Stonecrest.

<https://www.alllaw.com/articles/nolo/civil-litigation/calculating-damages-defamation-case.html>

Mr. Kuczynski,

I like to be sure everyone has their rights. That good faith in negotiations and in the court; transparency is expedient.

I want a retraction !

Other parties require retraction as well. The false light cast by mayor and council in July is continuing to cause damage. Why wait to the "complaint answer" deadline?

The town has done "jack"(jack steich pun intended)to prove their claim. They have allowed citizens to think we don't have a lawyer, when in fact he was in the June p and z meeting. Mr. Hull, Mr. Bishop, we're present at that meeting.

I asked for body cam to be posted. That body cam alone would be very helpful to reducing my damages. See As a plaintiff I am reading articles and learning the law, and in case the town didn't know let me put you on notice. I had 50k in real competent legal advice by May 29th, 2020. It's a man who not only learns the law, but has faith in the court who is rewarded. Record title is the law, as harsh as that may be. Klein v dove, a man who puts his title on record has done enough, all others are charged with notice.

Or if the town knows of an instrument somewhere in public records, that I perhaps, doubt it, but its a big universe, neglected to check, please do share it! I have searched the universe and so far found the same evidence as Judge Thomas. "Right, there is none!".

So Mr. Kucinski to the extent your competent legal advice was accountable, and to the extent the state ethics laws encompasses town Attorney's whom attend meetings, please take notice of my wish for you to promptly make corrections. Ed you are a grown man, I will not berate you like a 5 year old, unless you insist.

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October 19, 2020

Via Electronic Mail Only to: jmichael@washco-md.net

Joseph Michael, Esq.
Office of the State's Attorney
For Washington County
33 West Washington Street
Hagerstown, Maryland 21740

Re: *State of Maryland v. Justin Kyle Holder*

Case Nos.: NRooHoMoT
NRooFoMoT
NRooGoMoT
NRooJoMoT

Dear Mr. Michael:

As you are aware, on or about May 29, 2020, Christine Morral illegally intercepted the oral communications of Mr. Holder and then further illegally forwarded the contraband "video.mov" to Natural Resource Officer, Cody Litton¹. Immediately upon the discovery of this interception, Mr. Holder filed charges, and you subsequently negotiated with Mrs. Morral community service in exchange for a dismissal thereof. As a direct result of that video being taken and sent to Officer Litton, however, Mr. Holder was charged with the four above-referenced DNR citations.

After I served detailed discovery requests obviously aimed at challenging the State's claim to own unencumbered fee simple title to the very land it claims Mr. Holder disturbed, you wrote to me on September 11, 2020, acknowledging the challenges concerning the State's title to the land, and then suggested that you should perhaps charge Mr. Holder with the jail-able offense of malicious destruction of property².

You then stated that:

¹ We have recently discovered that Mrs. Morral also took a previously unknown "video_1.mov" video, which we suspect to be another illegal interception. We have further recently discovered that she unlawfully sent the known-illegal "video.mov" to other individuals besides Officer Litton, and further that the illegal video(s) were (probably) unlawfully spread to still other third parties.

² In contrast to the above-referenced citations, which are punishable only by fines.

"On the other hand the more resources that the Defendant demands from the State and from other third parties which he seems to be dragging into this case, the more likely that jail will be a just result." [Emphasis added.]

Mr. Holder was disturbed by this comment, and asked me to clarify what you meant. I wrote to you on 9/17/2020, and expressly asked you:

"In the meantime, I was hoping you could do me a favor and explain what you mean by 'other third parties which he seems to be dragging into this case.'

Are you talking about other pending or potential civil litigation with third parties, or are you talking specifically about the discovery we have requested that may be in the hands of third parties? Or is it something else?

I appreciate any clarification you can make on that point."

You declined to respond to my inquiry, so, about a week later, on 9/25/2020, I emailed you again, and asked:

"I am following up on my question from last week about what you meant about involving third parties. Clarity from you on this will help me advise my client on how to best ameliorate the concerns of the State regarding said third parties you expressed."

I still did not receive a response, so, again, on 9/30/2020, I wrote to you again, asking the following:

"Finally, my client remains disturbed about your comment concerning "dragging third parties into this case" as you have specifically stated your opinion that the more he involves them, the more likely it is that he will go to jail. I previously noted to you my difficulty interpreting this statement as there are many third parties involved with the various issues confronting my client and these properties. Can you please provide the clarity I have requested so I can advise my client as to how best to avoid going to jail?"

Later that day, you provided a partial response, stating:

"I neglected to answer your last question: not legal advice, but a commonsense opinion, he can best avoid going to jail by handling this property dispute in the Circuit Court, and disturbing no other vegetation, rocks, or neighbors

until he has the court of equity's order in hand."

I responded the following day, stating:

"Finally, while Mr. Holder appreciates your advice regarding how to conduct himself in the future so as to best avoid going to jail, I don't believe you answered my several queries regarding what you meant by 'other third parties which he seems to be dragging into this case.'"

Hearing no response still, on 10/9/2020, I wrote you again, asking:

"Finally, I'm sorry to keep asking, but you haven't answered me about what you meant by 'other third parties which he seems to be dragging into this case,' in your email of September 11. Can you please explain what you mean by that?"

On 10/12/2020, you wrote back to me, stating, simply:

"Yes."

Unfortunately, your response was ambiguous, as I had posed another "yes" or "no" question to you in the same email regarding whether the State would continue to pursue the two DNR citations without probable cause. It now being another week later, and receiving no further elucidation from you regarding your forebodings about involving third parties, I am left to assume you were answering the other question.

Thus, we arrive at the point of my letter. I have written five times inviting an explanation of a *bona fide* basis for the threat to bring new, incarcerable, charges against Mr. Holder if he does not stop "dragging third parties into this case."

I have apparently been ineffective in my communication of the need to have clarity on this very important point. As such, I now take the opportunity to explain why the threat about involving third parties has disturbed my client.

As you know, Mr. Holder presently finds himself in the middle of numerous civil (and some criminal) disputes. I will accept in good faith, however, that you may not be familiar with the precise nature or extent of *all* of these disputes.

As such, I will explain at least some of them. Mr. Holder has ongoing disputes with at least the following third parties: a number of private property owners in Keedysville (Christine and Scott Morral, Jeffrey Young, Benjamin Estes, potentially half of the Stonecrest Development, etc.), the Towns of Keedysville, Boonsboro, Sharpsburg,

Washington County, the Washington County Health Department, the Maryland Department of Health, the Department of Natural Resources, the Maryland Department of Environment, the State of Maryland, "writ large," Fred Frederick of Frederick, Seibert & Associates, and possibly others.

Mr. Holder's disputes with the Stonecrest neighbors, Jeff Young, and the Town of Keedysville generally relate to: his wife's record-title right of way over and through lands that are owned or are claimed to be owned by them; his ownership of previously un-conveyed lands purchased from the original Stonecrest developer; the existence of a public road running through approximately the same area; a prescriptive easement and a potential easement by implication.

Mr. Holder's disputes with Mrs. Morral include, in addition to the above, her malicious prosecution of a peace order, and other civil claims for her unlawful interception of oral communications as provided by that statute, defamation of character, and potentially further criminal charges related to the previously unknown additional distribution of "video.mov" and whatever might be included in "video_1.mov."

Mr. Holder's disputes with the Towns of Keedysville, Boonsboro and Sharpsburg, as well as Washington County, the Washington County Health Department, the Maryland Department of Health, the Department of Natural Resources, the Maryland Department of Environment involve largely their failures to comply with their statutory obligations under the Public Information Act related to numerous requests made by Mr. Holder.

Further, Mr. Holder has been investigating other serious failures of the Town of Keedysville and the County for failure to install public water and sewer facilities to what are now his wife's properties despite having been required to do so for over 60 years (water) and 30 years (sewer). Mr. Holder also seems to have uncovered that the Town, County, and perhaps other individuals may have misrepresented to the MDE and EPA that these properties are and have been currently hooked up to water and sewer for over 30 years in order to obtain millions of dollars in federal grant money to build and maintain the facilities.

Mr. Holder's disputes with Mr. Estes relates to land that Mr. Estes claims to own on the Holder side of the Creek that he accuses Mr. Holder of trespassing on when Mr. Estes alleges Mr. Holder cleaned up the overgrown brush obstructing the bank and wire fencing in a floodplain at the direction of an MDE compliance officer.

Mr. Holder's disputes with Mr. Frederick revolve around what Mr. Holder believes is Mr. Frederick's negligent (or worse) survey work regarding the Holder properties which led to a DLLR Complaint against Mr. Frederick that has been ongoing for the better part of this

year, and will likely result in litigation and/or claims made against Mr. Frederick's E&O policy.

Mr. Holder's disputes with the State of Maryland in general relate to his dispute of the State's claim to own fee simple title to the former railroad bed, and the failure of the various State agencies to honor their obligations under the MPIA. And, yes, to answer your implied question, Mr. Holder does have recorded title to the same railroad bed that the State claims Mr. Holder damaged.³

I have not necessarily listed all of the disputes that Mr. Holder has with these varied third parties. Nor have I necessarily listed all of the third parties with whom Mr. Holder has disputes.

Suffice it to say, when you threatened that Mr. Holder will be charged with an incarcerable offense for what he allegedly did on June 8, 2020 unless he stops "dragging" "third parties" "into this case," Mr. Holder was unclear which third parties you may have been referencing, what you meant by "into this case," and, for that matter, what activities you consider to constitute "dragging."

Thus, I explained Mr. Holder's confusion in a simplified fashion, and asked you many times to clarify.

To the extent that you are insisting that Mr. Holder waive, hold, pause, give up or otherwise cease to pursue any of his rights regarding these third-parties, it is my frank and humble opinion that the demand is both wrongful and unlawful⁴.

Mr. Holder and I both greatly respect you and we have both resisted jumping to the conclusion that this is and has been your intention⁵. However, our numerous attempts to achieve clarity from you to dispel our fears have not been fruitful.

³ In an email, you suggested that I "identify the extent to which your client has title to any property he damaged, whether he pays taxes on that property"... and "If on the other hand your client has proof that he has title to the property that he damaged, or that he had permission to damage or alter that property from the person that you purport does own it, it might make sense for him to provide that to the State, because if he is right, he is right, and he should not be prosecuted at all. The State has no interest in prosecuting him if his behavior was legal." After I expressed to you that I would be preparing a detailed response to your request to explain the title issues, you told me you don't want to hear it.

⁴ At least insofar as these rights and claims are not tightly related to the existing DNR citations and whatever other allegedly unlawful damage he inflicted to property on June 8, 2020.

⁵ Although your response of 9/30/2020 does appear to indicate that you will charge Mr. Holder with malicious destruction of property for what he allegedly did on June 8, if he continues to use the uncontroverted record-title right of way that benefits the property owned by his wife (something I would have explained to you, but for your instruction to me that you don't want to hear it).

Mr. Holder suggested that perhaps I have been too vague in my previous requests, and, thus, I have undertaken to spell it all out here.

While these claims and third parties *are* all inter-related and *all* center around the Holder properties at Antietam Drive, the claims are not so closely related to this threatened malicious destruction charge that it can or should be properly utilizable as leverage to give these third parties an advantage in their civil matters.

While Mr. Holder advises me that, in light of his personal relations and interactions with you and your close family, he has a hard time believing that you would engage or cooperate in such an effort to effectuate civil advantages to these third parties by leveraging the threat of incarceration, his inability to receive a direct and satisfactory answer to his many queries has left this as an open question. You have been clear that the third parties you were referencing were not just the State and its resources (“demands from the State and from other third parties”).

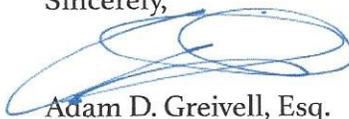
As such, I write one final time to directly ask that you clarify your statement of September 11, 2020, and confirm which, if any, of these third parties Mr. Holder needs to stop “dragging into this case” and please define the scope of what you mean by “dragging into.”

Regardless of what response you choose to provide - or, even if you choose to continue to decline a response - Mr. Holder will not back down from any of his claims.

Mr. Holder asked that I remind the State that in his two prior convictions (of which you wrote), Mr. Holder accepted responsibility, pleaded guilty, and did not waste State resources. In fact, he successfully paid his debts and completed his probation and parole without issue.

As previously stated in my prior emails to you, he will not be hastened into civil litigation with third parties, and will not otherwise be bullied by the State or anybody else into modifying, waiving, giving up, delaying or expediting any of his rights.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam D. Greivell, Esq.", with a large, loopy flourish underneath.

Adam D. Greivell, Esq.

Corporation of Keedysville
March 3, 2021
Agenda
Mayor & Council

Call to Order

Pledge of Allegiance

Approval of Minutes

General Fund Report: \$203,685.66

Announcements: Town Hall closed Friday, April 2 for Good Friday; Yard Waste pickup resumes Tuesday, April 6; Bulk Trash pickup on Saturday, April 24

Community Deputy Report

Old Business: Hometown Hero Banners; Sustainable Communities Program; Computers; Eagle Scout Project; Staff Pay Policies; Planning & Zoning Commission Vacancy

New Business: Weed Treatment; Fairview Cemetery Donation; Main Street Beautification

Comments by Residents

Comments by Council

Adjournment

Water Commission

Call to Order

Approval of Minutes

General Fund Report: \$47,309.91

Announcements: Boonsboro Keedysville Water Advisory Board Meeting Wednesday, March 10 at 6:30pm in Boonsboro

Old Business: Fence at WTP & Spring House

New Business: Weed Treatment; Water Rate Increase

Comments by Residents

Adjournment