

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

Planning & Zoning Commission Minutes September 13, 2021

The monthly meeting of the Keedysville Planning & Zoning Commission was called to order at 7:00pm with the following members present: Chairman Greg Carroll, Commission Members Randy Burns and John Puffenbarger, Ex-Officio Matt Hull, and Town Administrator Lisa Riner.

The minutes from June 14, 2021, July 12, 2021, and August 9, 2021 were read and approved.

Eric Matson would like the Town to adopt the County's Right to Farm Ordinance. There was much discussion. Mr. Hull noted the Planning and Zoning Commission cannot adopt the ordinance, but can recommend it to the Mayor and Council. Mr. Carroll recommended that the ordinance be run by the town's attorney. Mr. Burns motioned to recommend to the Council that the Town adopt the Right to Farm Ordinance. Mr. Puffenbarger seconded. Mr. Burns and Mr. Puffenbarger voted in favor. Mr. Hull did not vote.

The Commission reviewed Mr. Matson's Building Permit Applications for a sign and for a building addition on his property. The building addition that was previously brought before the committee had been revised. After some discussion, Mr. Hull motioned to approve the sign as long as it is 50 feet back from the center line of the road. Mr. Puffenbarger seconded. All voted in favor. Mr. Burns motioned to approve the building addition. Mr. Hull seconded. All voted in favor.

Mr. Matson would like to de-annex his property (the Milburn annexation). Ms. Riner said that George Nagel of Fox and Associates confirmed that there is a mistake in the description of the property annexed in the Milburn annexation. Town Attorney Ed Kuczynski said that the mistake can be remedied by passing a Curative Amendment. Mr. Hull said the costs and work involved in the de-annexation falls on the property owner looking to be de-annexed. He also asked Mr. Matson what the Town's motivation would be to approve the de-annexation. Mr. Matson said there were many errors in the annexation. There was much discussion. Mr. Matson is going to meet with Town Attorney Ed Kuczynski to discuss de-annexation.

Mr. Carroll recommended tabling the Comprehensive Plan Update until the next meeting. Mr. Hull motioned to table it. Mr. Puffenbarger seconded. All voted in favor.

Justin Holder brought up an easement that could be beneficial to the children in Rockingham if made into a path or nature trail to Taylor Park. He noted that the easement is a historical road. He doesn't think anyone would want to drive

cars on it. Mr. Carroll asked a question to clarify if the easement is the same wagon road as the one that had the ~~tree in~~ the middle that Mr. Holder was concerned about with property from Rockingham butting into it. When Mr. Holder confirmed, Mr. Carroll noted that the ownership of the property is contested at the moment. After some discussion, Mr. Carroll said there is nothing the Town can do to make it into a nature trail since it is not available. He also noted ~~the~~ courts have the responsibility to decide on who owns the property. He said that when the dust settles, the Town ~~will be~~ happy to talk about it.

Mr. Hull said the Council is working on the Memorandum of Understanding with the County for Building Permits.

Ms. Riner noted that an email from Justin Holder was received on Tuesday, July 13, 2021, and will be added to the minutes of the meeting. In the email, Mr. Holder sent information to Mr. Sweeney as requested, and included a PIA request for an agreement, if one exists, between the Town and the County for sewer. Mr. Richard Bishop, the former Town Administrator, provided to Mr. Holder a 1961 sewer agreement that Mr. Holder believes is relevant. However, Mr. Holder believes the Maryland environmental laws tell taxpayers that sewer is the Town's responsibility.

Mr. Matson asked Mr. Puffenbarger if he had made any progress with the property issues related to the Cannon Ridge sign. Mr. Puffenbarger said they are still working on it.

The meeting adjourned at 8:07pm.

Respectfully Submitted,
Lisa Riner
Town Administrator

Lisa Riner

From: Justin Holder <jholder2004@gmail.com>
Sent: Tuesday, July 13, 2021 10:09 AM
To: bsweeney@keedysvillemd.com
Cc: lriner@keedysvillemd.com; mrhoads@keedysvillemd.com; Town Hall; gcarroll@keedysvillemd.com; rburns@keedysvillemd.com; sbaker@keedysvillemd.com; jkerns@keedysvillemd.com; klord@keedysvillemd.com; Town of Keedysville; mhull@keedysvillemd.com
Subject: July P and Z water and sewer follow up - MPIA REQUEST
Attachments: 1606244354531_1605797574033_Screen Sh(62).jpg; 20201203_075751.jpg; 20210702_151004.jpg; 1606998493306_PDF.Holder.12.01.2020.pdf; charter.pdf; Jeremy Mose Documents.pdf; Screenshot_20210713-093205_Gmail.jpg

Mr. Sweeney,

Thanks for discussing my grievance last night. I hope my redress request is clear. If the Town would like control, than the Town must be responsible. Mandatory "socialist type" utilities are not the residences duty to obtain, they are the Town's ministerial duty and governmental function to install. Please let me know if I did not make my grievance crystal clear.

Please add this email and attachments to the P and Z minutes next month.

Information Mr. Sweeney requested last night

Please see the attached December 3rd, 2020 email I sent the County. The email contains information you requested last night. The email is included below as a forwarded message with attachments.

[The charter is available on Town website and should be excluded. Jeremy Mose docs have been previously posted in the minutes]

MPIA REQUEST- PUBLIC INFORMATION REQUEST

If you have a document in writing that contradicts the Mayor, the charter, and the Law please provide it under the Public Information Act.

1.The document(s) I am requesting are an "intermuniciple agreement to construct, operate and maintain a sewerage system" in which the Town and County agree its the County's duty.

2. A copy of the 1988 Sewer Policy may contain the above agreement.

Or

3. A formal response that there is not an agreement, and this has been a charade.

This email is a request for that aforesaid written document. This MPIA is a follow-up up of a March 6th, 2020 "unresponded to" request. Please provide an estimate of time and cost in 10 days.

The delay from my original MPIA

Please note on the *March 6th, 2020 MPIA response from Mayor Lord* "FOIA request isn't necessary, or even advisable, **because it would just add time.** You may certainly file one if you wish, but as I mentioned the other night – our response deadline for a formal FOIA request would put you **outside your stated timeframe.**" [Emphasis Added]

Please see attached letter from Town of Keedysville in which Mayor Lord's threat to delay our water came true waiting 8 month's to send a "ready to serve" notice on the water hookup. *June 29th, 2021 letter from the Town of Keedysville.*

It is clear from the March 6th response from the Mayor; attached to this email to be posted, that the Town was working with the County initially.

Why did the Town stop?(see Ed Kuczynski letter)

(Also note Mr. Kuczynski stated there was to be water to 30 Antietam Drive - what happened to that water?)

Moving Forward

In the June M and C meeting Mr. Kuczynski told me I was treated differently for filing a Tort Claims Notice. I explained that Notice is required by Law, I had no choice legally. I have a 14th Amendment Right to equal protection that is not barred by the filing of a TCA Notice.

The Mayor told me asking for Public Information would delay our Water, and it apparently did. That retaliation can not be appropriate behavior from a Town. The "sunshine laws" of this state are hear to assist citizens in their first amendment rights to redress.

Than of coarse we have the entire civil lawsuit now over defamation. "There is no easement" and the "Holder's won't pay the bill." Again the Town has a "wagon road" title report about the easement in its possession sine June 15th, 2020. The easement is a Public Road in the 1961 town minutes called "Harries Lane". It is completely inappropriate for a town to broadcast a citizens personal finance. Again just bad politics and not at all helpful.

It has been 4 years and We are politely asking for redress. The Town has the Ministerial Duty to perform Governmental Functions. Please perform those functions diligently without neglect or unreasonable delay.

Conclusion

Mr. Sweeney perhaps this email would be a good point to pick up and continue the Town's work with the County to install "Mandatory Utilities" to existing improved properties that request the same.

I appreciate the discussion last night, and will be at every meeting requesting redress until the Utilities are installed and "ready to serve".

Again If you disagree with the above or below facts, please set me straight. I have looked everywhere and been thorough; these are the answers I found.

Respectfully,

Justin Holder

----- Forwarded message -----

From: **Justin Holder** <jholder2004@gmail.com>

Date: Thu, Dec 3, 2020, 8:20 AM

Subject: Kucynski letter clarification requested please

To: Bradshaw, Mark <MBradsha@washco-md.net>

Cc: Downey, Kirk <kdowney@washco-md.net>, Bright, Andrew <abright@washco-md.net>, Ed Kuczynski <ed.kuczlaw@gmail.com>

Mr. Bradshaw,

I have attached a letter from Ed Kucynski. He wrote the letter in his capacity as attorney for the Town of Keedysville. Mr. Kucynski is adamant that the sewer system is the counties responsibility. I am confused by his response. I will explain why below.

Barry Levy the Vice Mayor since resigned and water board head since resigned, told me you had to have sewer to get water in April of 2018. Mr. Levy also conveyed that same message to Carl French in 2018. Mr Bishop the town administrator sent me an email in April of 2020 that explicitly stated if you do not have water you don't get sewer. From these responses I assumed it was the town whom is the contact and provider of water and sewer. Mr. Kucynski has stated otherwise. This is the first I am hearing it is the county that is in charge.

I did not want to trouble you, however when I did some research to validate Mr. Kucynski's statement I found some ambiguoity. For example Maryland Environmental Law 9-705 states :

" municipal authority may:

- (1) Construct a system in a municipality;
- (2) Extend or alter an existing system;
- (3) Maintain and operate a system constructed, extended, altered, or acquired under this subtitle;
- (4) Make a contract or an agreement with another municipal authority, or with any sanitary commission, sanitary district, county, State, or federal authority about the construction, alteration, maintenance, or operation of a system;"

Further more the definition section 9-701 states:

" (a) In this subtitle the following words have the meanings indicated.

(b) "Municipal authority" means:

- (1) The mayor and council of a municipality;
- (2) The town commissioners of a municipality; or
- (3) Any other governing body of a municipality."

I have also attached a copy of the town charter posted on the website of the Town of Keedysville. In section 76 it states as follows:

76. Powers of town. The town may: (1) Construct operate and maintain a water system and water plant. (2) **Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.** (3) Construct, operate, and maintain a storm water drainage system and storm water sewers. (4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems. (5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof. (6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (7) Make a charge, the amount to be determined by the Council for each connection made to the town's water or sewer system, and to assess appropriate charges for water usages and rates. Said fees and charges may be revised and/or changed from year to year and shall be established with the provisions of the applicable provisions of the Annotated Code of Maryland. (8) To promulgate any rules or regulations and pass any ordinances pertaining to the operation, maintenance and control of any water or sewage drainage systems or any other related matters. (9) Contract with any party or parties inside or outside the town" to obtain water or to provide for the removal of sewage. (10) To establish a water board and/or other commission to manage the water system and/or department. (11) The town has all other powers not enumerated herein pertaining to water and sewer provided by the laws of the State of Maryland.

I attached a picture of an old grant book from the EPA. In that book it list among others the following allocations:

240657010 - Keedysville "Complete Sewerage System" \$195,000 (funded the 201 section plan)

240657010 - Keedysville "Complete Sewerage System" \$2,540,000 (construction)

Epa needs number 240071002

I did not see any allocation to Washington County Maryland in the grant book.

Lastly I attached a .pdf labeled Jeremy Mose documents. I am aware Mr. Mose was your predecessor before resignation this year. I attached a screenshot of a January 23rd, 2019 letter from Mayor Ken Lord. In that letter Mayor Lord states "The town of Keedysville is in the process of designing plans to provide **Water and Sewer** to the two following properties" than listed 25 and 28 Antietam Drive as said properties. The Mayor also mentions how the properties sit on a bluff above the Little Antietam Creek, which is critical bay watershed.

I do apologize if I am missing something in my search. I just want to ask because what I found is contradictory to what Mr. Kucynski stated in his letter. I am only interested in these properties as well as a few others on the West side of town because of the pollution and effluent discharge in critical bay areas that could help reduce nutrients in the bay. I read an article in the Herald Mail a month ago about E-coli in the creeks:

https://www.heraldmillmedia.com/news/local/eye-opening-bacteria-levels-observed-in-streams-like-antietam-creek/article_dec84abe-9c41-5ce9-978b-20a321a205fe.html

So I do apologize for all the confusion. Mr. Bradshaw, I have included the county Attorney and Administrator in this email. I am respectfully asking for some clarity on the responsible party in regards to sewer installation in the Town of

Keedysville municipal limits. If a citizen was going to petition the honorable court in equity for an order to mandate sewer installation whom would be the party responsible for said installation?

Thank you,

Justin Holder

Please also check the contents of this email for priveledge, in regards to posting it as part of the county minutes with a comment as part of my 1st amendment rights.

EPA-GAD/11-80-11

BASEMENT

MONTHLY AWARDS
FOR CONSTRUCTION GRANTS
FOR WASTEWATER
TREATMENT WORKS
Regions 1-3

November 1980

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Matthew Hull, Council Member

3

January 23, 2019

Jeremy Mose, Director of Environmental Management
Washington County Department of Water Quality
16232 Elliott Parkway
Williamsport, MD 21795

Mr. Mose,

The Town of Keedysville is in the process of designing plans to provide water and sewer service to the following two properties:

25 Antietam Drive
Parcel ID 19-002551
Year Built 1900

28 Antietam Drive
Parcel ID 19-002578
Year Built 1910

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Matthew Hull, Council
Sarah Baker, Council

June 30, 2021

Deena Holder
308 West Chapline Street
Sharpsburg, MD 21782

Re: 25 & 28 Antietam Drive

Dear Ms. Holder,

The Town of Keedysville has extended a waterline to the above-mentioned properties. These properties are now "ready to serve" in regard to water service. They have been ready since November, 2020.

The connection fee charged by the Town of Keedysville is currently \$10,000 per connection. To connect your two properties to the service, you will need to pay the connection fee for each property in effect at that time. The payment should be made payable to the Town of Keedysville.

Upon payment of the connection fees, the Town will schedule and finalize the connection to the properties.

Sincerely,

Town of Keedysville

KUCZYNSKI & KUCZYNSKI, P.A.

Attorneys at Law

KUCZYNSKI BUILDING
55 N. JONATHAN STREET
HAGERSTOWN, MARYLAND 21740

Edward L. Kuczynski

of Counsel

Robert E. Kuczynski

Telephone

(301) 797-9120

Facsimile

(301) 797-4317

December 1, 2020

Mr. Justin Holder

Via email only

jholder2004@gmail.com

Re: November 27, 2020 email – “Mandamus Request”

Dear Mr. Holder,

I have reviewed your email to me dated November 27, 2020 together with the attachments which you included. My response to same is set forth in this letter.

First, because I represent the Town of Keedysville, I take my direction from the Mayor and Council in matters where my services are needed or required. As such, I do not have independent authority to file any legal proceeding on behalf of the Town without express authorization from the Mayor and Council. To date, I have received no authorization to take the action which you have requested.

Second, any independent effort (without authorization and/or consent of my client) on my part to file a Mandamus action on your behalf or with your assistance would constitute a conflict of interest because I represent the Town of Keedysville not you or Ms. Holder.

Third, as Town Attorney I would NOT advise the Mayor and Council to take the action you have requested nor any similar action because the current dispute regarding sewer service is strictly between you (assuming you have the requisite authority)/Ms. Holder and Washington County. It is not a municipality's responsibility to litigate matters on behalf of individuals when that litigation only serves the interests of those persons. As you know from your extensive research, matters involving sewer, sewer lines, sewer connections, sewer service, etc. are within the jurisdiction of the Board of County Commissioners of Washington County. Matters involving water lines, installation of water lines, water service, water connections, etc. are within the jurisdiction of the Town of Keedysville. The Town simply does not have a dog in your fight with the County, and I cannot advise the Town to engage in the type of litigation which you have suggested.

Fourth, although I cannot answer why the Plat to which you refer seems to reflect the existence of an “installed sewer line,” I assume the County personnel charged with administering and overseeing these matters should be able to answer that question as well as explain its current position. What appears certain at this juncture is that no sewer line seems to exist in the area

which you have identified which seems to include the area where the Town, at its expense, is actively installing the water line that you have insisted upon. As you know, the Town's current ongoing water line installation is intended to serve the residences located on property owned by Deena Holder and one future home on a currently unimproved lot. Upon the finalization of that extension, the Town anticipates your and/or Ms. Holder's connection to that line so that 25 and 28 Antietam Drive will have public water. As part of this effort and as a courtesy to you and Ms. Holder, the Town offered to work in conjunction with Washington County to allow the installation of sewer lines in the same ditch. However, the Town is not and has not been required to insure the County's cooperation in this effort and at this point it appears that you are at loggerheads with the County regarding the details involving the sewer line installation, inspection by the County and payment of related fees. Because of this ongoing dispute, the Town is proceeding to finalize the installation of the water line without the sewer line to avoid further delay.

Fifth, it is my understanding that the County Environmental Division will not allow the use of sewer lines which have not been inspected and approved by that Department and that you are currently protesting the payment and/or have not paid the requisite fees which the County has advised must be paid before inspection and use of the lines. Without an immediate resolution of this stand-off between you and the County, the Town has had no choice but to proceed with the finalization of the water line installation along Antietam Drive which will serve 25 and 28 Antietam Street without the simultaneous installation of the sewer lines. In view of your current stance combined with the County's current posture, it seems that the installation of the sewer lines and related sewer service will have to wait until you and Ms. Holder resolve your dispute with the County. At this point, any effort to redress your/Ms. Holder's concerns or issues, by definition, will need to be directed toward the County (the successor in interest to the Washington County Sanitary Commission) since it has sole jurisdiction and control over all sewer matters within the Corporate Boundaries of the Town of Keedysville.

Thank you.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: 
Edward L. Kuczynski

ELK/

Cc: Ken Lord, Mayor
Richard Bishop, Town Administrator
Andrew Bright, Assistant County Attorney
Kirk Downey, Acting County Administrator
Deena Holder

Corr.Holder.MandamusRequest.12.01.2020

Mose, Jeremy C.

From: Mose, Jeremy C.
Sent: Sunday, January 19, 2020 1:31 PM
To: Levey, Barry
Subject: Recent denial from the Washington County Division of Environmental Management

Good afternoon Barry,

Can you please send me the information about the request that was recently denied by our Engineering Department.

I will take a second look at it and give you a more detailed explanation.

Thank you,



Jeremy C. Mose
Director
Division of Environmental Management
16232 Elliott Parkway
Williamsport, MD 21795-4083
Cell: 301-465-0593
Office: 240-313-2618
Fax: 240-313-2601

www.washco-md.net

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Mose, Jeremy C.

From: townhall@keedysvillemd.com
Sent: Thursday, January 23, 2020 8:57 AM
To: Mose, Jeremy C.
Cc: Ken Lord; Levey, Barry
Subject: Sewer Line Extension in Keedysville
Attachments: Letter to Jeremy Mose.pdf; 7412 Sewer MTJ-1-8-2020.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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

Hi Jeremy,

Please see the attached letter from the Ken Lord, the Mayor of Keedysville, describing the situation on Antietam Drive in Keedysville. Please let me know if you have any questions.

Thank you,

Richard 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



WATER QUALITY | SOLID WASTE | ENGINEERING SERVICES

February 4, 2020

The Honorable Ken Lord
Mayor of the Town of Keedysville, Maryland
19 South Main Street
Keedysville, MD 21756

RE: Antietam Drive Sewer Line Extension Project

Dear Mayor Lord:

A careful review of the Sewer Service Policy has determined that Washington County is not responsible for any cost incurred for the design and construction of the sewer line extension project on Antietam Drive. Please reference the attached pages from the Sewer Service Policy (Article II, Section 2-2).

Following installation and inspection, the extended sewer line on Antietam Drive will be transferred to Washington County ownership.

I personally want to ensure you that the Town of Keedysville is treated fairly and within the established policies of Washington County. If you have any questions or require additional information, please contact me at jmose@washco-md.net or 301-465-0593.

Sincerely,

A handwritten signature in black ink, appearing to read "J. C. Mose".

Jeremy C. Mose
Director
Division of Environmental Management

Enclosure

TOWN OF KEEDYSVILLE, MARYLAND

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Matthew Hull, Council Member

January 23, 2019

Jeremy Mose, Director of Environmental Management
Washington County Department of Water Quality
16232 Elliott Parkway
Williamsport, MD 21795

Mr. Mose,

The Town of Keedysville is in the process of designing plans to provide water and sewer service to the following two properties:

25 Antietam Drive
Parcel ID 19-002551
Year Built 1900

28 Antietam Drive
Parcel ID 19-002578
Year Built 1910

These properties were in existence long before mandatory water and sewer service were installed to the rest of the Town. The reason that the services were not initially installed is unknown. Added to this, the properties, which currently are using aging septic systems, sit on a bluff just above the Little Antietam Creek.

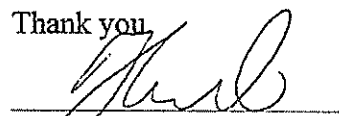
As you know, water service is provided by the Keedysville Water Commission and sewer service by Washington County Department of Water Quality. The Town will be providing water service to a crock at the property lines, with the property owners continuing the service from the crock to the residences. As part of that process, the Town has worked with Frederick, Seibert & Associates to design plans for a waterline extension to the properties. For their part, the property owners have worked with Frederick Seibert, in conjunction with your department and the Town, to design plans for a sewer line extension. The sewer line plans are attached here.

As part of this process, a utility right-of-way needed to be obtained from MD DNR as the lines will cross the DNR owned railbed in Town. The Town has virtually completed this process. The Quitclaim Easement Agreement between the State and the Town was signed by the Mayor and returned to the State for the required signatures one month ago.

Referencing the Frederick Seibert sewer line extension plans, we are suggesting that your department be responsible for the cost to install the line from 0+00 to approximately 4+10.

Please review and let us know of any questions at your earliest convenience.

Thank you

A handwritten signature in black ink, appearing to read 'Ken Lord', written over a horizontal line.

Ken Lord
Mayor

Mose, Jeremy C.

From: Mose, Jeremy C.
Sent: Monday, March 2, 2020 3:30 PM
To: Bradshaw, Mark
Subject: FW: 25 and 28 Antietam dr, keedysville sewer service

FYI



Jeremy C. Mose
Director
Division of Environmental Management
16232 Elliott Parkway
Williamsport, MD 21795-4083
Cell: 301-465-0593
Office: 240-313-2618
Fax: 240-313-2601

www.washco-md.net

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From: Sharpsburg Property <sharpsburgmanagement@gmail.com>
Sent: Monday, March 2, 2020 3:24 PM
To: Mose, Jeremy C. <jmose@washco-md.net>; townhall@keedysvillemd.com; Levey, Barry <blevey@washco-md.net>; Deena <deenay725@yahoo.com>; Robert Kutchman -MDH- <robert.kutchman@maryland.gov>
Subject: 25 and 28 Antietam dr, keedysville sewer service

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

To whom it may concern:

I am writing in an effort to mitigate any legal fees and attempt to negotiate in good faith for the town of Keedysville, and the Washington county water quality department to comply with the law..

I am the property manager and project manager working for Sharpsburg Autolift LLC dba Sharpsburg Property Management. I am writing to convey my clients interest in the Sewer extension to the properties in the subject line of email. I have reviewed the town and county charter, and the ordinance in which the water lines and subsequently sewer lines were installed. At the time it was installed the law stated that all residents were to be hooked in. At this time I have reviewed all the documentation and I personally have been unable to find any legal and lawful exceptions to compliance with the law in this situation.

Please treat this email as a formal demand letter requesting full compliance with the law. It is in all parties interest to install utilities to the residents on Antietam drive. The homes were built in 1900 and 1905 respectively and have been here when the law was imposed. It was by no action or negligence of the owners of the property that the law was not complied with. The properties are on cistern and septic and in a critical area of the bay watershed. The south county treatment plant is enhanced and will drastically reduce nitrogen output from these properties.

In good faith I have assisted the owner in creating a sewer design for this property. The owner has spent over \$7500 in their funds in order to start this process and pay FSA civil engineers to design the extension and that extension is approved by water quality. I personally had to take over communications with Shane Johnson with the DNR to get board of public works approval to obtain a right away for the line. I took over communications after a 2 year process in which obtaining progress status checks was difficult from the town. At this point we have a shovel ready project.

The town of Keedysville does plan on installing the water service to these properties, and Mark Bradshaw has approved a same trench install of the sewer. Mayor Ken Lord has written a letter to the county asking the county to assist in compliance. At this time I must emphasize the opportunity that is presenting itself. The washco dept of Health does have save the bay money to assist with the sewer in the amount of \$40000, and both properties are eligible for this grant. If all agencies can work together we can remedy this environmental and humanitarian need in a fairly inexpensive solution.

The main problem that is arising is lack of cooperation between agencies in my opinion. I can not get the proper estimates for the sewer without the county having a tap close to the properties. The trench will be open and will only need a pipe for sewer put in it. I would estimate that the county installing this pipe would be far less expensive than any legal fees associated with defending the choice to ignore the law as it was imposed in 1950's and 80s respectively. The owner would also like to be reimbursed for actual expenses in assisting with this compliance.

In order to facilitate this compliance I would ask for a meeting of representatives from the agencies involved such that we can have a good faith discussion into making the appropriate decision with respect to the community and environment. Please forward this and share with all agency representatives and please remember time is of the essence as the work needs completed by the end of May in order for grant money to be released.

If it is the agency or municipality position that they do not have to comply with the law in this case please respond with an explanation and specific legal article in which that exception is based.

Thank you,
Justin Holder
Manager - Sharpsburg Property Management



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From: Sharpsburg Property <sharpsburgmanagement@gmail.com>

Sent: Monday, March 2, 2020 3:24 PM

To: Mose, Jeremy C. <jmose@washco-md.net>; townhall@keedysvillemd.com; Levey, Barry <blevey@washco-md.net>; Deena <deenay725@yahoo.com>; Robert Kutchman -MDH- <robert.kutchman@maryland.gov>

Subject: 25 and 28 Antietam dr, keedysville sewer service

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.

I am writing in an effort to mitigate any legal fees and attempt to negotiate in good faith for the town of Keedysville, and the Washington county water quality department to comply with the law..

I am the property manager and project manager working for Sharpsburg Autolift LLC dba Sharpsburg Property Management. I am writing to convey my clients interest in the Sewer extension to the properties in the subject line of email. I have reviewed the town and county charter, and the ordinance in which the water lines and subsequently sewer lines were installed. At the time it was installed the law stated that all residents were to be hooked in. At this time I have reviewed all the documentation and I personally have been unable to find any legal and lawful exceptions to compliance with the law in this situation.

Please treat this email as a formal demand letter requesting full compliance with the law. It is in all parties interest to install utilities to the residents on Antietam drive. The homes were built in 1900 and 1905 respectively and have been here when the law was imposed. It was by no action or negligence of the owners of the property that the law was not complied with. The properties are on cistern and septic and in a critical area of the bay watershed. The south county treatment plant is enhanced and will drastically reduce nitrogen output from these properties.

In good faith I have assisted the owner in creating a sewer design for this property. The owner has spent over \$7500 in their funds in order to start this process and pay FSA civil engineers to design the extension and that extension is approved by water quality. I personally had to take over communications with Shane Johnson with the DNR to get board of public works approval to obtain a right away for the line. I took over communications after a 2 year process in which obtaining progress status checks was difficult from the town. At this point we have a shovel ready project.

The town of Keedysville does plan on installing the water service to these properties, and Mark Bradshaw has approved a same trench install of the sewer. Mayor Ken Lord has written a letter to the county asking the county to assist in compliance. At this time I must emphasize the opportunity that is presenting itself. The washco dept of Health does have save the bay money to assist with the sewer in the amount of \$40000, and both properties are eligible for this grant. If all agencies can work together we can remedy this environmental and humanitarian need in a fairly inexpensive solution.

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Thank you,
Justin Holder
Manager - Sharpsburg Property Management

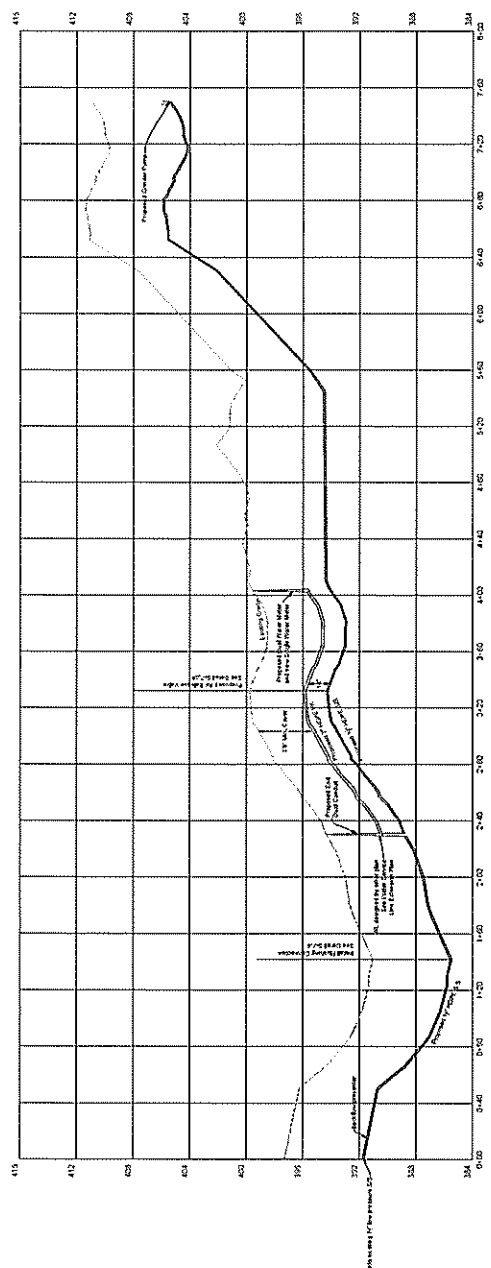
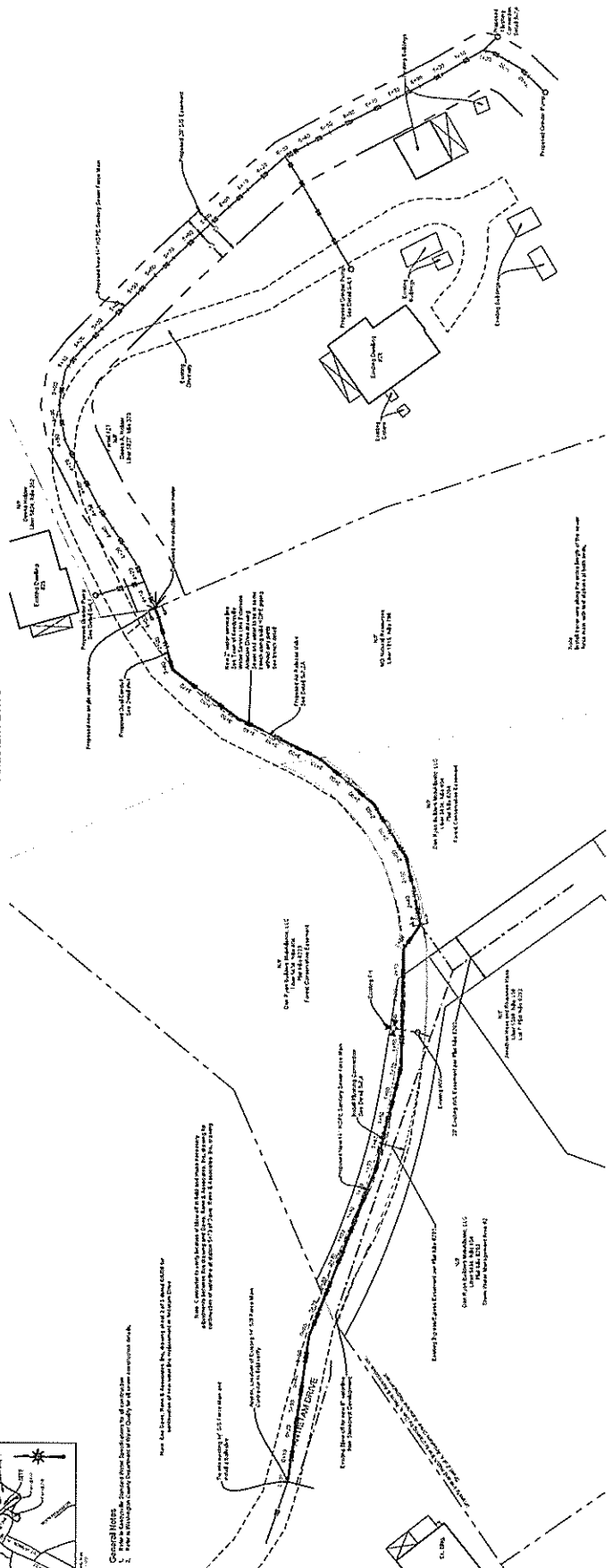


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TOWN OF KEEDYSVILLE Sanitary Sewer Service Line Extension Anietiam Drive



General Notes
1. All sanitary sewer service lines shall be installed in accordance with the latest edition of the International Plumbing Code (IPC) and the latest edition of the International Sewerage and Drainage Code (ISD).
2. All sanitary sewer service lines shall be installed in accordance with the latest edition of the International Sewerage and Drainage Code (ISD).
3. All sanitary sewer service lines shall be installed in accordance with the latest edition of the International Sewerage and Drainage Code (ISD).



PRIVATE SEWER SERVICE DESIGN
WASHINGTON COUNTY, MARYLAND
BOLLEA ROAD
CITY OF KEEDYSVILLE
TOWN OF KEEDYSVILLE

DATE	10/15/2015
DESIGNER	W. J. BERRY
CHECKER	W. J. BERRY
APPROVER	W. J. BERRY
SCALE	AS SHOWN
PROJECT NO.	15-001
CLIENT	TOWN OF KEEDYSVILLE
LOCATION	BOLLEA ROAD, KEEDYSVILLE, MD
PROJECT DESCRIPTION	SANITARY SEWER SERVICE LINE EXTENSION
PROJECT STATUS	DESIGN

PLAN AND PROFILE

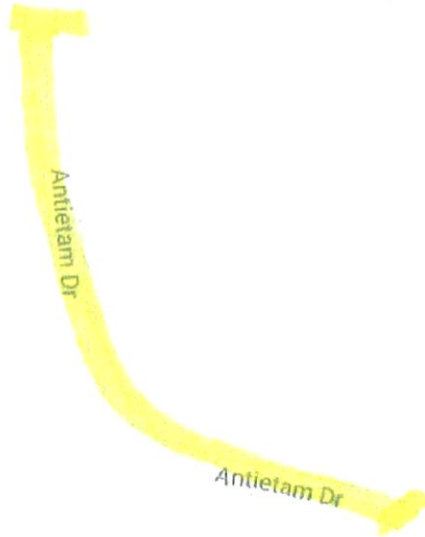
FREEMAN & ASSOCIATES, INC.
10000 W. J. BERRY
10000 W. J. BERRY
10000 W. J. BERRY

Antietam Dr

Mt Vernon Ln

Antietam Dr

Little Antietam Creek



Antietam Dr

Antietam Dr



advise you that a formal "FOIA" request isn't necessary, or even advisable, because it would just add time. You may certainly file one if you wish, but as I mentioned the other night – our response deadline for a formal FOIA request would put you outside **your** stated timeframe.

What is preferable is that we continue to work with you in good faith as we have been. I think the Town Council, Staff and I have been very accommodating over these past months to help resolve **your** situation every step of the way, and I hope you and **your** wife feel the same. Barry and I have personally met with the President of the County Commissioners on **your** behalf; I have written to the County DWQ on **your** behalf; and all of the back and forth in between. These are not things a Town would normally do. If you feel we have not been cooperative, or are withholding something after all the legwork we have put in - besides being counterproductive, I would find that personally disappointing.

Long story short – 1) We're happy to continue helping you find supporting documentation, as we have been doing, no FOIA request required; 2) Recognize some limitations. We have a staff of one, and I know that some information you mention is not available, at least not here. For one, a "list of all houses that were hooked up and all residents that were not hooked up to both water in the '50s and **sewer** in the '80s" – that might be records that the county keeps, but we have no documentation of that. As to the other items mentioned, Rick is already researching and pulling what he can find, but a lot of it is scant. Mayor & Council meetings used to be very informal, sometimes in people's homes. Record keeping was imperfect and I'm sure much documentation was not preserved, and perhaps lost. But whatever we find wouldn't change the response the county is giving you now.

We want to you help get this resolved. I am confident it will be **resolved**, and we look forward to having you as residents. But let **me stress** - appreciate the cooperation we are already showing

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

	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

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

Planning & Zoning Commission Agenda September 13, 2021

Call to Order

Approval of Minutes: June 14, 2021, July 12, 2021, and August 9, 2021

Announcements

Old Business: Right to Farm Act; Matson Addition & Sign; 2010 Comprehensive Plan 10-Year Review

New Business: Matson De-annexation

Comments by Attendees

Comments by Commission

Adjournment