

# 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  
townhall@keedysvillemd.com  
www.keedysvillemd.com



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

Approved

## Mayor and Council Minutes September 6, 2023

The monthly meeting of the Keedysville Mayor and Town Council was called to order at 7:40 pm with the following present: Mayor Ken Lord, Assistant Mayor Brandon Sweeney, Council Members Judy Kerns, Sarah Baker (arrived at 7:45), Town Attorney Ed Kuczynski, Town Administrator Lisa Riner, Administrative Assistant Teresa Pangle, and Deputy Dakota Watkins.

Minutes from the August 2, 2023 meeting were approved.

The General Fund Report was \$482,715.03

### Community Deputy Report

Deputy Watkins gave his report for July and August.

July Report – Cannon Ridge 13 checks, Rockingham 14 checks, Stonecrest 14 checks, Cemetery 12 checks, Park 13 checks, Foot patrol 5 hours, Calls for service (in Town) 1, Assist WCSO (outside Town) 3, Attended Keedysville July Town meeting.

August Report – Cannon Ridge 18 checks, Rockingham 18 checks, Stonecrest 18 checks, Felfoot Ln 6 checks, Cemetery 15 checks, Park 17 checks, Foot patrol 2 hours, Calls for service (inside and outside of Town) 19, Training 1, Traffic Enforcement 1 hour, Court 3

### Resident Comments

Eric Matson (Quit Claim) – Mr. Matson would like the Town to approve the Quitclaim Deed regarding the well on his de-annexed property. Mr. Matson questioned the Town's ownership of 3 Stormwater Ponds in Cannon Ridge. Ms. Riner stated she is aware of the issue and is working with Dan Ryan to get it corrected. Mr. Hull motioned to authorize Mayor Lord to sign the Quitclaim Deed on behalf of the Town, Mr. Sweeney seconded and all voted in favor.

### Old Business

Tennis/Pickleball Court – Ms. Riner reported the grant application for the Tennis/Pickleball court was submitted for \$385,000. It was much more than anticipated. The asphalt alone was \$110,000 and \$40,000 for landscaping. Ms. Riner said the grant amount includes a walking path outside of the court. The court will include soccer and hockey goals to make this a multi-sport court. Mr. Sweeney questioned things not included in the quote. Engineering, permit costs, offsite disposal, site work, and drainage. Ms. Riner said this was discussed but they couldn't quote that because they

don't have exact numbers. There is a 10% contingency built in to help offset that and we upped it a little bit more. They felt the drainage was good and moving the location closer to the gazebo would help in regards to site work. Ms. Riner said while they were at the park they looked at the playground and mentioned some of the equipment needs to be replaced. There are safety inspectors that could come out to assess the playground possibly through the County or LGIT.

Dogstreet Rd & Main St Crosswalk – The County is ready and willing to put the crosswalk in. The Town will need to pay \$750-\$1000 to extend the detectable warning surface because it is not ADA-compliant. They will paint and move the sign. Ms. Kerns asked about the tree stump. The resident strongly expressed wanting to keep the stump out of safety concerns. There was discussion about what else could be put in place of the tree stump. Mr. Hull motioned we pay to fix the crosswalk and Ms. Kerns seconded, and all voted in favor.

New Stormwater Pond Gate – Ms. Riner said it is scheduled for mid to late September.

Sustainable Communities Questionnaire – We still need 2 Council members to complete the questionnaire.

FY 2024 Budget Amendment – It was introduced last month and needs to be voted on to adopt. Mr. Sweeney motioned to approve the FY 2024 Budget Amendment, Mr. Hull seconded and all voted in favor.

Scissor Lift – Mayor Lord said he has no news to report. The scissor lift that was originally being considered they decided to keep.

Container Regulations – Mr. Hull motioned to adopt the container regulations as per the Zoning Board's recommendation, Mr. Sweeney seconded and all voted in favor.

Short-Term Regulations - Mr. Sweeney would like to add a maximum amount of time for short-term rentals. There was some discussion to add a definition of at least one night and less than 30 days. Mr. Kuczynski suggested removing the line "The guest log must be available upon request to any Keedysville Town employee/agent tasked with enforcing a Zoning Ordinance", but leaving the requirement to "maintain a guest log with name, address, and phone number for a period of 5 years." Mr. Sweeney raised a question regarding the definition of "a single-family detached dwelling." There was some discussion and it was decided to change the definition to "single-family residential dwelling." Mr. Sweeney motioned to move forward with the Short-Term Regulations with the changes discussed, Ms. Kerns seconded and all voted in favor.

#### New Business

Reappointment of 2 BZA Members - Mr. Hull motioned to reappoint Bryan Smith (Chairman) and Ed Williams to 3-year terms, Ms. Baker seconded and all voted in favor.

Tele-Plus Quote for Park Cameras – Ms. Pangle provided a quote from Tele-Plus regarding the cameras in Taylor Park. The quote includes changing the point-to-point with the cameras because we are getting video loss due to tree obstruction. There is a tree obstructing the view of the library, so another part of the quote is for a new camera to view the library, the new gazebo, and a future pickleball court. There was some discussion and decided to table for now and get more information on where the new camera could be located. The proposed telephone pole is not ideal.

Stormwater Pond Violations – Ms. Riner reported we received violation letters for 2 more ponds. This is surprising since Mr. Babington recently did a ton of work at the ponds and the County has sprayed. Ms. Baker pointed out that some of the vegetation is Tree of Heaven and if not handled properly it will get worse. Ms. Riner will have Mr. Babington talk with the County to make sure it's done properly. Mr. Hull motioned to have Mr. Babington take care of the work, Ms. Kerns seconded and all voted in favor.

Trash Service Bids – Trash bids need to go out soon. Our contract expires in February. Ms. Riner plans to have everything ready next week.

South End of Main St – Mayor Lord would like to see some general maintenance in that area and the landscape cleaned up. Mr. Hull pointed out that some of the area might be the State drainage easement. Ms. Riner mentioned the Town works on a complaint-based system and if brought to her attention she will send a letter to privately owned properties. Mayor Lord also mentioned the Tree of Heaven coming out of storm drains and other places in Town. Ms. Riner has talked the Mr. Heimer from the County and he is willing to help the Town get rid of the Tree of Heaven.

#### Resident Comments

Mr. Holder suggested if the Town is going to spend money to remove the Tree of Heaven they may want to look at a resolution or ordinance to provide funding for private residents so they can keep their property under control so as not to impact Town property. Ms. Baker said she could contact Ms. Twigg with DNR Forest Service to see if she is aware of any programs.

#### Council Comments

Ms. Riner mentioned the email sent to the Council regarding the breakfast CASA (Citizens Assisting and Sheltering the Abused) is having next week and wondered if anyone could attend.

Ms. Riner said the County Treasurer Matt Breeding stopped by Town Hall to talk more about having the County do the Town's tax bills. He said the only towns not doing this are Keedysville and Hagerstown. All other municipalities have agreed. He said the majority of municipalities in Maryland do have the County take care of the tax bills. He will try to attend the October meeting. He said it will probably save about \$400 and it's easier on them for tax sales. Mr. Hull asked how many properties go to tax sale. Ms. Riner said 1 or 2, maybe 3 at the maximum. Mayor Lord pointed out that the Council already voted against it. Ms. Kerns suggested to wait at least a year and see how the other municipalities get along.

Meeting adjourned at 8:45 pm.

Respectfully Submitted,  
Teresa Pangle  
Administrative Assistant



Lisa Riner &lt;lriner@keedysvillemd.com&gt;

## September 6, 2023 Container and Short Term Rental Ordinance Hearing - Procedural Defect

Justin Holder &lt;jholder2004@gmail.com&gt;

Sun, Sep 10, 2023 at 9:42 AM

To: Lisa Riner &lt;lriner@keedysvillemd.com&gt;

Cc: Town Hall <townhall@keedysvillemd.com>, Ed Kuczynski <ed.kuczlaw@gmail.com>, hullscraneservice@hotmail.com, Ken Lord <mayorkenlord@gmail.com>, Sarah Baker <sbaker@keedysvillemd.com>, bsweeney@keedysvillemd.com, jkerns@keedysvillemd.com, JASON SIMMONS <simmonssolutions1@comcast.net>, Eric Matson <matsonwoodworking@gmail.com>

Dear Town of Keedysville,

### INTRODUCTION

Good morning. Thank you for the opportunity to be heard at the September 6, 2023 public hearing. During that hearing I raised a concern with the notice as it relates to due process. I appreciate the political process, and the hard work the Town of Keedysville Mayor and Council do.

I am writing to follow up, and kindly request a stipulation of fact as it relates to the notice provided. By making such a stipulation in good faith, it will mitigate the burden on the petitioner, the taxpayers of the Town and the Circuit Court, if a petition is filed within 30 days, and that petition is limited to just the notice provided.

I have read and experienced many laws in which the title does not at all accurately describe the ordinance. This is why a "summary" is required by law, otherwise the government would advertise an Ordinance to regulate A, but pass an Ordinance that regulates B. Secondly, it is a public import that the governments Notices and publications are truthful, there was no dispute of fact in that the Notice of the September 6, 2023 hearing was NOT truthful. Part of our democratic system. checks and balances is that a government must be accountable to its citizens. When a citizen is aggrieved by the acts of an overreaching government, the first step should be, (in my opinion) a good faith request for redress. I made that good faith request, I did not "hide the ball," I provided the facts and law and a simple request. That request was denied, and the laws of our states provide that aggrieved citizen further redress.

### THE LAW RELEVANT TO THIS QUESTION

MD. Land Use Code § 4-203(2) provides: "(i) The legislative body shall publish notice of the time and place of the public hearing, **together with a summary of the proposed zoning regulation** or boundary, in at least one newspaper of general circulation in the local jurisdiction once each week for 2 successive weeks. (ii) The legislative body **shall publish the first notice of the hearing at least 14 days before the hearing.**" (emphasis added)

MD. Land Use Code § 4-401(b) "The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules."

*Rule 7-206 - Record -Generally*, Md. R. Jud. Rev. Cir. Ct. 7-206(c) "Statement in Lieu of Record. If the parties agree that the questions presented by the action for judicial review can be determined without an examination of the entire record, they may sign and, upon approval by the agency, file a statement showing how the questions arose and were decided and **setting forth only those facts or allegations that are essential to a decision of the questions.** The parties are strongly encouraged to agree to such a statement. The statement, any exhibits to it, the agency's order of which review is sought, and any opinion of the agency shall constitute the record in the action for judicial review." (emphasis added)

### PROPOSED STATEMENT OF FACTS

On or before August \_\_\_\_\_, 2023 the Town of Keedysville, Maryland (the "Town") caused to be posted conspicuously on the front door of Town Hall in Keedysville, Maryland, the following "Notice" (Notice posted on Town Hall inserted here); the Town also published the Notice in the Herald Mail Newspaper on \_\_\_\_\_ and \_\_\_\_\_. (If the Newspaper Notice is not a verbatim copy of the posted Notice please insert that copy here)

In its pertinent part the Notice stated that "A complete copy of said proposed ordinances is on file in the Office of the Town Administrator, Town Hall, Keedysville, Maryland. Same may be copied or inspected in that office and it is incorporated herein by reference and made a part hereof for convenience and economy."

The "proposed ordinances" were NOT "on file in the Office of the Town Administrator, Town Hall, Keedysville, Maryland" at the time the Notice was published and/or posted, and the "proposed ordinances" could not "be copied or inspected" in Town Hall, Keedysville, Maryland prior to August 29, 2023.

Proposed Exhibits:

The Notice, The Newspaper, My email of Sep 4, 2023, 10:36 AM, a copy of the Ordinances.

**THE QUESTION**

Did the Town's "Notice" provide a sufficient "summary of the proposed zoning regulation" in accordance with applicable Maryland law?

**CONCLUSION**

This citizen is aggrieved by the Town's decision to move forward with the public hearing on September 6, 2023 after what I believe was a legitimate procedural defect was brought to the Town's attention. This citizen is aggrieved when a political body is notified about what appears to be a violation of due process, and the Town ignores that and moves forward. There is never a "harmless" violation of the constitution.

Please let me know by September 22, 2023 if the Town will stipulate and sign the "Proposed Statement of Facts," (with the appropriate text and dates inserted), so that any judicial review requested can proceed efficiently.

Respectfully,

Justin Holder  
[Quoted text hidden]

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## Mayor & Council and Water Commission Meeting September 6, 2023

All attendees must sign in. Attendee comments will only be heard during the appropriate time in the agenda. Those wishing to be heard must check the appropriate box. Comments will be limited to three minutes each.

| NAME                | ADDRESS                               | PHONE                 | WISH TO BE HEARD                    |
|---------------------|---------------------------------------|-----------------------|-------------------------------------|
| <i>Sybil Hilder</i> | <i>3rd Anheuser Dr Keedysville MD</i> | <i>(240) 356-2008</i> | <input checked="" type="checkbox"/> |
| <i>Lucy Lamb</i>    | <i>110 North Main</i>                 | <i>301-462-9693</i>   | <input type="checkbox"/>            |
| <i>ERIC Matson</i>  |                                       |                       | <input checked="" type="checkbox"/> |
| <i>Sue Jensen</i>   |                                       |                       | <input type="checkbox"/>            |
|                     |                                       |                       | <input type="checkbox"/>            |
|                     |                                       |                       | <input type="checkbox"/>            |
|                     |                                       |                       | <input type="checkbox"/>            |

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## Mayor & Council Agenda September 6, 2023

Call to Order

Pledge of Allegiance

Approval of Minutes: August 2, 2023 Meeting

General Fund Report: \$482,715.03

Announcements:

Community Deputy Report

Resident Comments: Eric Matson (Quit Claim)

Old Business: Tennis/Pickleball Court; Dogstreet Rd & Main St Crosswalk; New stormwater pond gate; Sustainable Communities Questionnaire; FY 2024 Budget Amendment; Scissor Lift; Container Regulations; Short-Term Rental Regulations

New Business: Reappointment of 2 BZA members; Tele-Plus quote for park cameras; Stormwater pond violations; Trash Service bids; South end of Main St

Resident Comments Related to Agenda Items

Council Comments

Adjournment