

# 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 May 7, 2025

The monthly meeting of the Keedysville Mayor and Town Council was called to order at 7:00 pm with the following present: Mayor Ken Lord, Assistant Mayor Brandon Sweeney, Council Members Judy Kerns, Matt Hull, Sarah Baker, Town Attorney Ed Kuczynski, Deputy Dakota Watkins, Town Administrator Lisa Riner, and Administrative Assistant Teresa Pangle.

Minutes from April 2, 2025, were approved.

The General Fund Report was \$445,542.61

Announcements were read.

### Community Deputy Report

Deputy Watkins reported the following checks: 9 in Cannon Ridge, 11 in Rockingham, 8 in Stonecrest, 6 at the park, 2 at the filtration plant, 2 at the cemetery, 4 at the church, 2 calls for service, 1 hour of traffic enforcement, 1 special event (SpringFest), and 2 days of training.

### Resident Comments

Patsy Holder mentioned safety issues on Taylor Drive at Rt 34, and wanted to know if Taylor Drive could be widened. Mr. Hull said the Town doesn't own the property needed to widen Taylor Drive. She asked about putting a cross walk from the library to Taylor Park. The Council agreed. She would like the Town to plant trees on either side of the picnic tables by the gazebo for shade. Ms. Baker pointed out we should wait until after the construction of the pickleball court. Ms. Holder asked if there is an update on the waterline replacement on Bedrock. Mr. Sweeney said we are going through the engineering process now and construction would probably be next year. Ms. Riner pointed out we won't know about the construction grant for at least 6-9 months.

Sue Gemeny provided information about the 6 scholarships the Keedysville Ruritans are giving out for 2025.

### Old Business

Speed Bumps on Mt. Vernon Dr – Ms. Riner provided speed sentry data from 4/2 - 4/6 with the sentry not displaying the speed to drivers. The council agreed to put the sentry back up this time to display the speed in hopes it will slow down drivers. The posted speed limit is 15mph. Mayor Lord supports getting a new speed sentry sign to use around Town since the one we have is an older model. Also, sending a letter to the community center to give to parents about the speeding issue might be helpful.

Antietam Drive Survey – Mr. Kuczynski spoke to the surveyor with The EADS Group and he is actively working on it. He predicts to have information within the next few weeks.

FY2026 Budget – The budget hearing was held at 6:30 pm today, prior to the Mayor & Council meeting. Mr. Hull motioned to introduce the FY2026 budgets (town & water), Ms. Kerns seconded and all voted in favor.

Little Free Pantry Proposal – Mayor Lord said a member of the Green Team had the idea of the free pantry and has provided the information requested by the council. There was much conversation about the need and logistics. The Council mentioned Sharpsburg and Boonsboro have free pantry's if someone had a need or wanted to donate. The Council suggested contacting the churches in town to see if they have an interest.

#### New Business

Boonsboro Memorial Day Parade – No council members are available on this day.

Tele-Plus Camera Upgrades – Three of the park cameras will no longer be compatible with the server after upcoming software updates. Tele-Plus will replace them at their cost. The cost of installation is covered under our service agreement. The quote was \$825.00. Mr. Hull motioned to upgrade the cameras, Mr. Sweeney seconded and all voted in favor.

Stonecrest Stormwater Ponds Mowing – Ms. Riner said the 2 ponds in Stonecrest get mowed every other week per Washington County guidelines. A resident called to request the grass between the white picket fence and the sidewalk be mowed more often. Mr. Hull suggested we ask Mr. Babington what he would charge to do that strip of grass every week.

Open Meetings Act Violation – Mayor Lord read a summary statement from the Open Meetings Act Compliance Board regarding an incident in 2020. The Board said the Council violated the act by improperly meeting via email to discuss a matter related to the Covid-19 state of emergency.

Community Deputy Program FY2026 Amendment – Ms. Riner reported there is an increase in the cost of the program from \$23,622.00 to \$25,331.00. This increase is reflected in the budget. Ms. Kerns motioned to fund the program, Mr. Hull seconded and all voted in favor.

#### Residents Comments

N/A

#### Council Comments

Ms. Riner asked council members to let her know by Friday, May 9th if they are available for the May MML Dinner. Ms. Kerns said she and Mr. Kerns will go if no one is available.

Meeting adjourned at 7:44 pm.

Respectfully Submitted,  
Teresa Pangle, Administrative Assistant

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

[illegible]

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## Mayor & Council Agenda May 7, 2025

Call to Order

Pledge of Allegiance

Approval of Minutes: April 2, 2025 Mayor & Council Meeting

General Fund Report: \$445,542.61

Announcements: Town-Wide Yard Sale Saturday, May 10; Bulk Trash Pick-up Saturday, May 17; The May 15<sup>th</sup> Green Team Meeting has been moved to Wednesday, May 21 at 7pm at Town Hall

Community Deputy Report

Resident Comments

Old Business: Speed bumps on Mt. Vernon Dr; Antietam Drive Survey; FY 2026 Budget; Little Free Pantry Proposal

New Business: Boonsboro Memorial Day Parade; Tele-Plus camera upgrades; Stonecrest stormwater ponds mowing; Open Meetings Act Violation; Community Deputy Program FY 2026 Amendment

Resident Comments

Council Comments

Adjournment





Teresa Pangle <tpangle@keedysvillemd.com>

## Fwd: Comment for May M&C Meeting - please publish in minutes and address on agenda

1 message

Lisa Riner <lriner@keedysvillemd.com>  
To: Teresa Pangle <tpangle@keedysvillemd.com>

Mon, Apr 28, 2025 at 10:58 AM

Lisa Riner  
Town Administrator, Notary  
Town of Keedysville  
19 S Main St, PO Box 359, Keedysville, MD 21756  
301-432-5795 (office), 240-313-8603 (cell)

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

From: **Justin Holder** <jholder2004@gmail.com>  
Date: Mon, Apr 28, 2025 at 10:47 AM  
Subject: Comment for May M&C Meeting - please publish in minutes and address on agenda  
To: Town Hall <townhall@keedysvillemd.com>  
Cc: Riner <lriner@keedysvillemd.com>, Ed Kuczynski <ed.kuczlaw@gmail.com>, OpenGov <opengov@oag.state.md.us>, Ken Lord <mayorkenlord@gmail.com>, Sarah Baker <sbaker@keedysvillemd.com>, Brandon Sweeney <bsweeney@keedysvillemd.com>, Judy Kerns <jkkerns@verizon.net>, <hullscraneservice@hotmail.com>

Dear Town,

### **UNLAWFULLY CLOSED MEETINGS**

I have attached the OMACB Opinion that the Town has violated the Open Meetings Act, holding secret meetings about preventing children from playing basketball.

I know, and the Town knows that I have evidence of many more of these meetings. I also have the attorney invoices and see it is costing the Town tens of thousands of dollars to defend these complaints, and then lose them.

I have asked before, and I am asking again, (as a taxpayer who does not like wasting resources). Could the Town please just fess up to each and every closed meeting, publish them online, so I do not have to make any more OMA complaints about behavior that has been confessed. (I am sure the already overburdened OMACB would also appreciate this good faith).

### **ANTIETAM DRIVE**

Additionally, I would again ask the Town to let me know the results of the EADS work and where Antietam Drive starts and ends according to the Town. I would also like the Planning and Zoning Commission to retract the minutes that state I do not have adequate access to develop my properties. Affordable housing for the community is something the Town needs, and it seems peculiar that after I conveyed that to the Town in 2018 I did not have adequate access to do such a thing. I want to know and understand the reasoning for this treatment, prior to taking further action, *vel non*.

Justin Holder

PS Please attach the Opinion and this email to the minutes and please do have a fair and frank discussion in the open related to my requests.



19 OMCB Opinions 090.pdf  
163K

WES MOORE  
Governor

ARUNA MILLER  
Lt. Governor



RUNAKO KUMBULA ALLSOPP, ESQ.,  
CHAIR  
LYNN MARSHALL, ESQ.  
JACOB ALTSHULER, ESQ.

STATE OF MARYLAND  
OPEN MEETINGS COMPLIANCE  
BOARD

**19 Official Opinions of the Compliance Board 90 (2025)**

**April 28, 2025**

**Keedysville Town Council**

The Complainant alleges that the Keedysville Town Council (the "Town Council" or the "Council") violated the Open Meetings Act (the "Act") by improperly "meeting" in 2020 via email to discuss a matter related to the COVID-19 state of emergency. The Town Council asserts that the Act did not apply to the email exchange because, in the Council's view, the body was performing an administrative function.

For the reasons below, we conclude that the exchange of emails was a "meeting," and the discussion therein was not an administrative function. Thus, the Act applied and the convening of a meeting via email, without notice to the public and an opportunity to attend, violated the Act.

**Background**

On March 5, 2020, the Governor announced the first known cases of COVID-19 in Maryland and declared a state of emergency. *See, e.g., Heather Mongilio, Hogan Declares State of Emergency After Three Coronavirus Cases Found in Montgomery County, Frederick News-Post, Marc. 6, 2020.* On March 23, 2020, the Governor issued an executive order that, among other things, prohibited social gatherings of more than 10 people "at all locations and venues." Executive Order 20-03-23-01, at 2, *available at* <https://health.maryland.gov/mbon/Documents/covid-19-executive-orders/202003231-Gov-Hogan-Gatherings-Third-Amended.pdf>. The executive order further provided, "Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order." *Id.* at 5.

At 9:35 a.m. on March 27, 2020, the Keedysville Town Administrator sent the following email to all the members of the Town Council:

Hi,

Yesterday afternoon, a large group was playing basketball in Taylor Park. We do have video. They walked up, tore down the tape<sup>[1]</sup> and threw it in the trash can.

I contacted the Sheriff's Dept. and talked with a couple different deputies. Basically, we're at the point of getting someone to call the Sheriff's Dept. when the men are on the court so a deputy can respond and explain no groups of 10 or larger. Then if they persist, they could be charged.

Thoughts?

At 9:38 a.m., one Council member sent the following reply-all message:

Absolutely. I can't have eyes on 24/7, but if anyone sees this please do call. [Town Administrator] can you put the tape back up?

I will also be dropping the streetlight dimmer off some time this morning for [another Council member].

At 9:43 a.m., the Town Administrator replied all, "Sure, I'll put the tape back up, but they'll probably just tear it down again.

At 9:45 a.m., the same Council member who sent the 9:38 a.m. message sent another reply-all message asking another Council member, "can you park a crane on the court?"

At 9:48 a.m., a second Council member sent a reply-all email: "Maybe the hoops need to be taken down???"

At 9:49 a.m., the first Council member replied all: "How hard is that to do? Not a bad idea."

At 9:53 a.m., a third Council member replied all:

This is horrible in so many ways. Stop the spread is our number one priority. Put the tape back up and call deputies when it happens. This is a governor's edict. The counties have to make every effort to comply.

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<sup>1</sup> Neither the Complainant nor the Town Council offers an explanation of this "tape," though we assume it was the type that is often plastic and bright yellow and used to demarcate an area that is not open to the public.

Wow!

At 10:02 a.m., the Town Administrator replied all, "I do not have a ladder big enough to take the hoops down."

At 11:52 a.m., the first Council member sent the following reply-all message:

[Another Council member] and I just went out and attempted to remove them, but it would have destroyed the welded bolts to do so.

At 12:20 p.m., the same Council member sent another reply-all message:

Sawzall. I can drill and tap the nuts in my spare time. Drop them at my place . . . . all good. And I know our youths need something to do. For me, drilling and taping . . . . for them I don't know.

At 12:22 p.m., he replied all: "It's going to rain all weekend. If it continues to be an issue after that, let's revisit it then."

At 12:28 p.m., a fourth Council member sent the following reply-all message:

The bolt is around 8 inches long and they welded the nuts on

I could cut it but they would have to be replaced, i.e. trip to Automotive Fasteners.

If they prosiest [sic] I will support the entire backboard with the backhoe and remove the coupler that is on the pole.

### **Discussion**

The Complainant alleges that this email exchange constituted an impermissible secret "meeting" of the Town Council. The Council responds that, in exchanging these emails, members of the Town Council were performing an administrative function to which the Act did not apply

As we have previously explained, "the Open Meetings Act applies only when a public body 'meets,'" 17 *OMCB Opinions* 101, 102 (2023) (some internal quotation marks omitted), which the Act defines to mean "conven[ing] a quorum of a public body to consider or transact public business," § 3-101(g).<sup>2</sup> A quorum of the five-member Town

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<sup>2</sup> Statutory references are to the General Provisions Article of the Maryland Annotated Code.



Council is three. *See* § 3-101(k) (“‘Quorum’ means: (1) a majority of the members of a public body; or (2) the number of members that the law requires.”); Keedysville Town Charter § 11 (providing that a majority of the Town Council constitutes a quorum). Thus, the question before us is whether, through the exchange of emails described above, three or more members of the Town Council “convene[d] . . . to consider or transact public business.” § 3-101(g).

“We have long interpreted the word ‘convene’ to ‘entail[] the simultaneous presence of a quorum of the public body’s members, whether in person or by telephone,’” 15 *OMCB Opinions* 148, 152 (2021) (quoting 9 *OMCB Opinions* 259, 261-62 (2015), “or by ‘some other means of communication that enables a quorum to address public business contemporaneously,’” 15 *OMCB Opinions* at 152 (quoting 11 *OMCB Opinions* 20, 21 (2017); *see also* 13 *OMCB Opinions* 47, 48 (2019) (recognizing that “a ‘meeting’ can occur whether or not the members are physically present in one place” because “a quorum can convene via telephone or electronic communications”). “Thus, even ‘in the absence of a physical meeting consisting of a quorum of a public body’ together in one location, an ‘exchange of emails or other communications . . . might rise to the level of a “meeting”” for purposes of the Act.” 15 *OMCB Opinions* at 152 (quoting *Grant v. County Council of Prince George’s County*, 465 Md. 496, 533 (2019)); *see also* 14 *OMCB Opinions* 33, 35 (2020) (“Email communications among a quorum of a public body can amount to the ‘presence of a quorum’ at a ‘meeting’ that the public is entitled to observe, when those communications are used ‘to consider or transact public business.’”).

“To determine whether a particular exchange of communications rose to the level of a meeting, we have previously referred to the Wisconsin Attorney General’s prediction about factors that courts would likely consider in addressing whether an email exchange was a meeting: ‘(1) the number of participants involved in the communication; (2) the number of communications regarding the subject; (3) a time frame within which the electronic communications occurred; and (4) the extent of the conversation-like interactions reflected in the communications.’” 16 *OMCB Opinions* 212, 214 (2022) (quoting 9 *OMCB Opinions* at 265). “Considering such factors, we have more than once found that the exchange of emails among individual members of a public body rose to the level of a ‘meeting’ for purposes of the Act.” *Id.*; *see also* 17 *OMCB Opinions* 101, 106 (2023) (finding that a public body “met” when, within one hour, a quorum sent “reply all” emails to all members of the Council about the same topic (a potential budget transfer), which apparently had not been discussed publicly before); 14 *OMCB Opinions* at 37 (concluding that a series of emails on one topic, exchanged among a public body’s members over about fourteen hours, “was so tightly grouped as to amount to a meeting of a quorum”); 13 *OMCB Opinions* 39, 40-41, 44 (2019) (finding that a public body violated the Act when a quorum “considered and decided” via fifteen email messages, including four “demonstrably among a quorum,” over two days “to send letters on behalf of ‘a majority’ of the body”).

“In several other cases, however, we have found that communications among members of a public body did not amount to a ‘meeting’ subject to the Act.” 16 *OMCB Opinions* at 214; *see also* 18 *OMCB Opinions* 194, 198 (2024) (finding no “meeting” when a staff person supporting the public body emailed all members of the body, one member of the body responded using the “reply all” function, but none of the other members of the body responded to that “reply all” email and instead responded only to the sender of the original email, other staff members, and to a single member of the body); 13 *OMCB Opinions* at 48 (finding that a public body did not “meet” when the town manager sent an email to the members of the body and each spoke with her, one by one, about the matter, “apparently without any interaction or discussion among themselves”); 11 *OMCB Opinions* at 20-21 (finding that no “meeting” occurred when one member of a public body sent an email to the other members but only one member, recused from the matter, responded); 9 *OMCB Opinions* at 264 (considering it a “close question” but finding no “meeting” for purposes of the Act when four members of a seven-member public body responded by “reply all” emails to a question posed by the body’s attorney when there was no indication that any member read or replied to any other member’s message, “and no one sent a follow-up message to the others that day”).

Here, the Town Council asserts that the emails “did not involve a quorum of the Council transacting and/or attempting to transact business.” We disagree. Over the course of about three hours, four members of the Town Council (a quorum) sent nine messages to every other member of the body on the same subject: how to dissuade large groups from convening in a Town park during the COVID-19 state of emergency. We think that topic was plainly the public business of the Town Council, which oversees the Town’s public parks, *see* Keedysville Town Charter § 22(44) (authorizing the Council to establish and maintain public parks), and is tasked with “protect[ing] and preserv[ing] the health of the [T]own and its inhabitants,” *id.* § 22(30); *see also* 15 *OMCB Opinions* at 82 (noting that “public business” “encompasses those matters over which the public governmental body has supervision, control, jurisdiction or advisory power” (quoting *Kansas City Star Co. v. Fulson*, 859 S.W.2d 934, 940 (Mo. Ct. App. 1993))). The Town Council suggests that “this type of dialogue in the context of the COVID Pandemic and the unique challenges” that it presented for “local governments . . . simply d[id] not rise to the level of a meeting” for purposes of the Act. But, as we have noted before, the COVID-19 “pandemic [did] not obviate the need to satisfy the Act’s requirements.” 15 *OMCB Opinions* 85, 88-89 (2021). Nor did the pandemic change the Act’s definition of a “meeting.” Here, the emails involved the Town Council’s public business and were “so tightly grouped as to amount to a meeting of a quorum” of the Council. 14 *OMCB Opinions* at 37.

The Town Council further asserts, however, that, even if the email exchange was a “meeting,” it involved the performance of an administrative function; thus, the Council asserts, the Act did not apply. The Town Council is correct that the Act’s openness requirements generally do not apply when a public body is carrying out certain functions,

including an administrative function. *See* § 3-301 (“Except as otherwise expressly provided in [the Act], a public body shall meet in open session.”); § 3-103(a)(i) (providing that the Act “does not apply to . . . a public body when it is carrying out . . . an administrative function”). The Act defines “administrative function” “by what it is—the ‘administration’ of laws, rules, regulations, or bylaws—and by what it is not—the other functions defined by the Act.” 10 *OMCB Opinions* 12, 15 (2016) (quoting § 3-101(b)). “Thus, to determine whether a particular topic of discussion falls within a public body’s administrative function, we apply a two-step inquiry.” 17 *OMCB Opinions* 83, 87 (2023) (citing 16 *OMCB Opinions* 140, 155 (2022)). “First, the discussion cannot fall within one of the other functions defined by the Act—i.e., it cannot be advisory, judicial, legislative, quasi-judicial, or quasi-legislative in nature.” 19 *OMCB Opinions* 22, 28 (2025); *see also* § 3-101(b)(2) (providing that “administrative function” does not include these other functions); *id.* (c) (defining “administrative function”); *id.* (e) (defining “judicial function”); *id.* (f) (defining “legislative function”); *id.* (i) (defining “quasi-judicial function”); *id.* (j) (defining “quasilegislative function”). If the discussion does fall within one of these functions, the inquiry ends because the discussion necessarily cannot be administrative in nature. 17 *OMCB Opinions* at 48. “If the first part of the inquiry is satisfied, then the second step requires that the discussion involve the administration of an existing law (or laws) that the public body is legally responsible for administering.” 15 *OMCB Opinions* 11, 15 (2021).

Turning to the first step of the analysis, we conclude that, through the exchange of emails, the Council was not performing any non-administrative function defined by the Act. The Town Council was not “study[ing] . . . a matter of public concern” or “making . . . recommendations” on such a matter, which are advisory functions under § 3-101(c) and are usually performed by task forces and commissions appointed to study a particular issue and report back, *see* Office of the Attorney General, *Open Meetings Act Manual* 1-21 (12th ed. Oct. 2023). Nor was the Town Council considering an appointment, a constitutional or charter provision, a law, or any “other measure to set public policy,” all of which are legislative functions under § 3-101(f). The Town Council was also not exercising “power of the Judicial Branch of the State government” (defined as a judicial function under § 3-101(e)), deciding a contested case under the Administrative Procedure Act or a matter before an administrative agency (quasi-judicial functions under § 3-101(i)); or approving, disapproving, or amending a rule, regulation, bylaw, budget, or contract (defined as quasi-legislative functions under § 3-101(j)).

We cannot conclude, however, that the email exchange satisfied the second part of the administrative function test. Based on the record before us, the discussion within the emails did not involve the application of an existing law. 15 *OMCB Opinions* at 15. The Town Council asserts that the emails “involved the Town officials carrying [out] the Town’s administrative function, as a political subdivision of the State of Maryland, related to the administration of a State Regulation issued by Executive Order of the Governor.”

But a public body performs an administrative function only when it is “vested with legal responsibility for” administering the law in question. 5 *OMCB Opinions* 60, 66 (2006) (citing 4 *OMCB Opinions* 163, 165 (2005)). The only law the Town Council invokes here is the Governor’s executive order. But that order expressly stated that law enforcement officers, not local legislative bodies, were responsible for executing and enforcing the order. Executive Order 20-03-23-01, at 5. Indeed, the emails themselves reference the Sheriff’s Department as the agency empowered to enforce the prohibitions on large-group gatherings. And while the Town charter empowers the Council to oversee the Town’s public parks and to “protect and preserve the health of the [T]own and its inhabitants,” Keedysville Town Charter § 22(30), (40), the charter specifies that the Town Council is to do so through “ordinances not contrary to the laws and Constitution of this State,” *id.* § 22(2); *cf.* 6 *OMCB Opinions* 180, 184 (2009) (noting that a public body is “not acting in an administrative capacity” when it acts under “a general enabling provision,” absent some other “existing law or policy that the [body] can be said to . . . be[] administering”). Based on the record before us, we know of no such ordinances that the Town Council could have been administering when its members exchanged the emails here. We thus conclude that the email exchange here was not an administrative function.

Because the Town Council “met” through the exchange of emails, and those emails did not involve the performance of an administrative function, the meeting was subject to the Act. The failure to conduct that meeting in the open violated the Act. *See* § 3-301.

### **Conclusion**

We conclude that the Town Council convened a meeting when a quorum of the body exchanged nine email messages on the same matter of public business in a three-hour period. Because that exchange of emails did not involve the performance of an administrative function, the meeting should have taken place in the open. The Town Council’s failure to conduct the meeting in an open session violated § 3-301.

This Opinion is subject to the acknowledgment and announcement requirements of § 3-211.

**Open Meetings Compliance Board**

*Runako Kumbula Allsopp, Esq.*

*Lynn Marshall, Esq.*

*Jacob Altshuler, Esq.*