

**MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING**

**Rackliffe House
11700 Tom Patton Lane
Berlin, MD**

October 5, 2017

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust (MHT) was held at Rackliffe House located at 11700 Tom Patton Lane in Berlin, Maryland, on October 5th, 2017.

Trustees present: Mmes. Filkins, Linder, and Mears; Messrs. Edson, Feldstein, Lighthizer, Luckenbach, Parker, and Robinson.

Area Representatives present: Messrs. Azola, Brown, Eshelman, Spikes, and Stek.

Maryland Department of Planning: Robert S. McCord, Acting Secretary.

Office of the Attorney General: Paul Cucuzzella and Rieyn DeLony.

Maryland Historical Trust Staff: Marcia Miller, Heather Barrett, Kate Bolasky, Elizabeth Hughes, Allison Luthern, Kathy Monday, Anne Raines, Mark Thompson, Michael Day and Matt McKnight.

Guests: Lyndra Marshall, Dale Green, Barbara Dunn, Donna Cypress, Janet Sims-Wood, Karen Outlaw, Stephen Lee, Roger Marshall, Maryland Commission on African American History and Culture; Rocky Demarco, John Zebelean, III, Maryland Division Sons of the Confederate Veterans; Boyd Monday

D1 CALL TO ORDER

Mr. Edson, Chair, called the meeting to order at 10:03 a.m. A quorum of Trustees was present.

Mr. Phillips welcomed the Board to the Rackliffe Plantation House and provided a brief overview of the history of the property.

D2 APPROVAL OF MINUTES

Mr. Parker made a motion, seconded by Mr. Feldstein that the July 13, 2017 minutes be approved with the correction noted by Mr. Parker. The motion was approved unanimously.

D3 COMMITTEE REPORTS

D100 Capital Programs

D101R African American Heritage Preservation Grant Awards

Ms. Raines provided an overview of the African American Heritage Preservation Grant Program which is administered as a joint partnership of the Maryland Commission on African American History and Culture (MCAAHC), a unit of the Governor's Office of Community Initiatives, and the Maryland Historical Trust (MHT), an agency of the Maryland Department of Planning (MDP). Ms. Raines reported that 40 eligible grant applications were received by the July 15, 2017 deadline and that the total funding request was \$3,339,000. These applications represented 16 counties and the City of Baltimore. She noted that the majority of funding requests were for rehabilitation, with the remainder for predevelopment or new construction costs.

Mr. Dale Green, Vice Chair of the MCAAHC, reported that the Commission has evaluated, ranked, and recommended funding levels for eligible applicants in accordance with the program project selection criteria. The Commission is recommending eleven projects for full funding and one for partial funding for a total of \$1,000,000. Mr. Green then proceeded to present the Commission's funding recommendations to the MHT Board of Trustees for action.

The following motion was made by Charlie Stek, seconded by Al Feldstein, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation to fund those projects in the (i) A=Recommended for Funding category and (ii) AR=Recommended for Funding should Additional Funds become Available category, as further described in Exhibit A (African-American Heritage Preservation Grant Chart for Fiscal Year 2018) to the Acting Secretary of the Maryland Department of Planning; and

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation to the Acting Secretary of the Maryland Department of Planning to maintain a reserve of \$55,121.92 to be used for emergency project grants during FY2018.

D200 Survey, Registration, Community Education & Museums

D201R Non-Capital Historic Preservation Grant Awards

Ms. Barrett provided an overview of the Historic Preservation Grant Program for non-capital projects which provides funding for a wide variety of research, survey, planning, and educational activities. Last funded in fiscal year 2012, the fiscal year 2018 budget included a \$200,000 appropriation to support the program. For this funding round, MHT gave special consideration for funding to projects focusing on: poorly documented regions of the state; the study and documentation of threatened resources, especially those susceptible to increased flooding and coastal erosion; and documentation of underrepresented themes, communities, and resource types. Individual grant requests were capped at \$75,000.

Ms. Barrett reported that 37 grant applications were received by the August 14, 2017 deadline. The total funding request was \$1,100,010.67. Applications represented 1 statewide project, 5 regional projects, 21 counties and Baltimore City. Ms. Barrett explained that a committee of MHT staff has evaluated, ranked, and recommended funding levels for eligible applicants in accordance with the Program’s project selection criteria and then proceeded to present staff funding recommendations to the MHT Board of Trustees for action.

The following motion was made by Al Feldstein, seconded by Sam Parker, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Acting Secretary of Planning the award of MHT Non-Capital Historic Preservation Grants to those projects described in **Exhibit A** (MHT Non-Capital Program Approved Grant Chart for Fiscal Year 2018).

D202R Heritage Preservation Fund Selection Committee - Appointments

Ms. Hughes explained that the MHT Board had entered into a grant agreement with Preservation Maryland (PM) on December 15, 1994, subsequently extended in 2002 and again in 2004, and revised in 2017, to establish a fund (the “Fund”) dedicated for historic preservation projects throughout the State. Interest earned on the Fund, which is held and managed by PM, supports the Maryland Heritage Fund Grant Program. Currently, the Grant Selection Committee meets three times per year to evaluate and select grant projects for funding.

The Selection Committee has seven members: three appointed by the Board of Trustees of PM; three appointed by the Board of Trustees of MHT; and one selected jointly by the President of PM and the Chairman of the MHT Board of Trustees. Selection Committee members serve two-year terms.

Member	Appointment	Term Expiration
Samuel Parker, Chair	Joint	9/30/18
Nakita Reed	PM	9/30/17
Ann Powell	PM	9/30/18
Sandy Heiler	PM	9/30/18
Harry Spikes	MHT	6/30/17
Joshua Brown	MHT	6/30/17
Franklin Robinson	MHT	6/30/17

Harry Spikes, Joshua Brown, and Franklin Robinson have all expressed an interest in being reappointed to the Committee. Action is required of the Board to reappoint these members to serve.

The following motion was made by Sarah Filkins, seconded by Charlie Stek, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees appoints Harry Spikes, Joshua Brown and Franklin Robinson to the Heritage Fund Grant Program Selection Committee for a two-year term beginning July 1, 2017 and ending on June 30, 2019. The Board confirms Samuel Parker, with a term expiring on September 30, 2018, as the joint appointment of the Maryland Historical Trust and Preservation Maryland.

D203 JPPM Report

Mark Thompson, Director of Jefferson Patterson Park and Museum, reported on the various capital projects underway at the site. The Patterson House is now closed after a final Open House on September 30. Over the next nine months, the staff will inspect and pack the collection with the expectation that a moving and storage firm will be onsite at some point next summer. The Department of General Services indicates that the MAC Lab siding is scheduled to be replaced in FY 2018. Construction of the pier and the installation of St. Leonard Creek shoreline erosion control measures will begin next spring or summer. The design of trailside exhibits will begin next month.

With assistance from DGS, the King's Reach House, which dates to 1910, has undergone some preservation work - a new roof and new siding, as well as new framing for the screened-in porch. Currently, Morgan State rents the house.

Last month, members of the House Appropriations Committee visited the park. This group is involved in the process of providing operational funding for the park. Their visit allows them to place JPPM's annual budget request into better context.

The next major event at the park is American Indian Heritage Day on November 4. Last month, the Friends of JPPM raised money with a tribute to the Bee Gees and Donna Summer.

Dr. Luckenbach inquired as to whether JPPM has been successful in raising funds to replace the \$75,000 in annual operating support that was previously provided by the MARPAT Foundation which has now dissolved. Mr. Thompson reported that JPPM expects to earn more money in calendar year 2018 through increased wedding rental revenue, JPPM is seeking additional corporate sponsorship for its public archeology program, and will explore the possibility of additional fundraising by Friends of JPPM . However, additional sources of revenue still need to be identified.

D204R Recognition of Dennis Curry

Ms. Hughes reported that Dennis Curry, MHT's Chief Archeologist, will be retiring on October 31 after an illustrious 40-year career in state service.

Dr. Al Luckenbach made the following motion, seconded by Al Feldstein, which was approved unanimously.

**Resolution Expressing Appreciation and Thanks from
the Maryland Historical Trust Board of Trustees
to Dennis Curry for 40 Years of Service
to Maryland Archeology
October 5th, 2017**

Whereas the Maryland Historical Trust was created in 1961 as an instrumentality of the State of Maryland for the purpose of preserving, protecting, and enhancing districts, sites, buildings, structures, and objects significant in the prehistory, history, upland and underwater archeology, architecture, engineering, and culture of the State, to encourage others to do so and to promote interest in and study of such matters; and

Whereas Dennis Curry has served the State of Maryland since 1977, and the MHT since 1990, and

Whereas he was Staff Archeologist with the Maryland Geological Survey (MGS), Division of Archeology, and directed the Survey's highway archeology program from 1977 through 1986, and

Whereas he became the Director of Research with the MGS in 1986 and served in that role through 1990, and

Whereas he was the Senior Archeologist in the Archeological Research Unit, Office of Archeology, at the MHT from 1990 through 2013, and

Whereas he became Maryland's Chief Archeologist in 2013 and has served in that role with distinction, and

Whereas, during his tenure with the State he has recorded at least 164 archeological sites, authored 81 archeological reports, co-authored 8 additional reports, authored 28 independent journal articles, 15 co-authored journal articles (7 with Maureen Kavanagh), and authored one scholarly monograph, and

Whereas, Dennis Curry served as editor of *Maryland Archeology*, the biannual journal of the Archeological Society of Maryland, for 25 years, and as Book Review Editor of the *Journal of Middle Atlantic Archaeology* for 25 years, and as editor of *Archaeology of Eastern North America* for 6 years, and of *Current Maryland Archeology* for 9 years, and of *Abstracts in Maryland Archeology* for 3 years, and of *Eastern States Archeological Federation Bulletin* for one year, and

Whereas, he was the State's lead archeologist on 30 Annual Field Sessions in Maryland Archeology beginning in 1986, investigating 19 sites in 11 counties, and was the Co-Principal Investigator for six of those years, and

Whereas, by these and other professional accomplishments has demonstrated a commitment to Maryland archeology, furthering its professional rigor, and fostering a high standard of scientific

research within MHT's Office of Archeology, and

Whereas, he wants, for some reason, to spend more time with his grandson and enjoying martinis on his back porch, and

Whereas, his archeological knowledge, breadth of expertise, clear guidance and attitude of service have been critical to the success of MHT's program of research

Now, therefore, be it resolved that the Maryland Historical Trust Board of Trustees wishes to express its deep appreciation to Dennis Curry for his forty years of service and to wish him a healthy, happy and prosperous retirement and a rewarding next phase of life.

D300 Management & Planning
D301 Interim Actions of the Executive Committee

MARYLAND HISTORICAL TRUST
MHT Board Executive Committee Teleconference
Friday, September 22, 2017 at 5:00 PM

MHT Board Executive Committee: Margo Bailey, Charles Edson, Alvin Luckenbach, Brien Poffenberger

MHT Board Members: Al Feldstein, Jim Lighthizer, Laura Mears

MHT Staff: Elizabeth Hughes, Anne Raines

Public: Terry Klima

Mr. Edson, Chair, called the meeting to order at 5:02 p.m. A quorum of the Executive Committee was present.

Survey, Registration, Community Education & Museums

I. FFY2016 CLG Subgrant Amendment Resolution

Ms. Hughes reported that as part of the May 2016 approval of federal FY 2016 Certified Local Government (CLG) grants, the Maryland Historical Trust (MHT) Board of Trustees approved a grant to the City of Frederick of up to \$12,000 for a Maryland Inventory of Historic Properties survey of East Frederick to determine eligibility for designation as a local historic district and recommend boundaries. In its final report to MHT, the City indicated that it had underspent by \$1,020.20. Since all CLG funds must be expended within the federal fiscal year (concluding on September 30, 2017), MHT staff recommend using the remaining funds to compensate local jurisdictions which have already completed training.

The following motion was made by Dr. Luckenbach, seconded by Brien Poffenberger and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves an increase in the federal FY 2016 Certified Local Government grant to the Maryland Association of Historic District Commissions in the amount of \$1,020.20. These additional funds will be used to reimburse training expenses already incurred by historic preservation commissioners and staff in Calvert County, the City of Frederick and the City of Cumberland.

Management & Planning

I. Agenda for October 5th Meeting of the Board

Ms. Hughes reviewed the agenda for the October 5th Board meeting which will take place in Berlin, Maryland.

II. Easement Breach Issues

Ms. Hughes reported that the Maryland Historical Trust holds an historic preservation easement on three bronze monuments owned by Baltimore City which depict subject matter pertaining to the Confederate side of the Civil War: the Confederate Women's Monument, the Lee-Jackson Monument, and the Confederate Soldiers and Sailors Monument. In the early morning of August 16th, these three monuments were removed by the City from their original location and placed into storage without seeking or receiving prior approval for this action from the Director of the Trust. Ms. Hughes then reported on the status of communications between the City and the Trust regarding the actions of the City, concerns about vandalism to the bases of the monuments that remain on site, and how to ensure the preservation of and public access to the monuments. She noted that the Board will discuss this issue in closed session with its legal counsel at the October 5th Board meeting.

Board members expressed concern both about the City's removal of the Confederate monuments and about the action of the State House Trust to remove the Justice Taney statue. Board members discussed the implications of these actions on the preservation of commemorative monuments generally and on the future of the Trust's easement program in particular. Board members considered whether it would be desirable to issue a statement to address the Trust's position on the issue.

Board members directed staff to provide information about each individual Baltimore City Confederate monument and the history of correspondence between the City and the Trust on this issue in advance of the October 5th Board meeting.

Public Comment

Mr. Klima, Division Commander of the Maryland Chapter of the Sons of Confederate Veterans, expressed his concern about the future of the Baltimore Confederate Monuments and his disappointment that the Trust was not enforcing the terms of its historic preservation easement. He encouraged the Board to take a more forceful role in requiring the City to return the monuments to their original location.

Meeting adjourned at 5:56 pm.

D302 Litigation & Legal Issues

Mr. Cucuzzella reported that the Trust is involved in no litigation or legal issues at this time.

D303 Budget & Legislation

Ms. Hughes reported that on September 6th, the Board of Public Works approved \$63 million in budget reductions proposed by Governor Hogan. These reductions included fiscal year 2018 funding for two vacant MHT positions and approximately \$30,000 in funds from Jefferson Patterson Park and Museum. Initially, the \$200,000 in funding for the Non-Capital Historic Preservation Grant Program was on the list of proposed reductions. Due to an active advocacy campaign by the preservation community, this item was removed from the list of reductions presented to the Board of Public Works for final action.

Preparation of the fiscal year 2019 state budget is now underway. The Capital Budget hearing with Department of Budget and Management staff was held on September 22nd. The Operating Budget hearing with the Department of Budget and Management staff will be held on October 23rd.

The Trust does not expect to sponsor any significant Administration legislation during the 2018 session of the General Assembly.

Ms. Hughes reported that Federal Fiscal Year 2017 ended on September 30th, but Congress included a continuing resolution (CR) through December 8th in the bill providing disaster relief to Hurricane Harvey victims. The CR funds the government at Fiscal Year 2017 levels. If lawmakers are unable to pass an omnibus bill before December 8th, it is likely that they will pass a CR for all of Fiscal Year 2018, which runs through September 30th 2018. That would mean that the government would be funded at Fiscal Year 2017 levels for all of Fiscal Year 2018.

In terms of what that means for the Historic Preservation Fund (HPF) appropriation, Fiscal Year 2017 appropriation amounts included \$47,925,000 for grants to States and \$10,485,000 for grants to Tribes. The Fiscal Year 2017 HPF appropriation also included \$13,500,000 for competitive grants of which \$500,000 is for grants to underserved communities and \$13,000,000 is for competitive grants to document, interpret, and preserve historical sites associated with the Civil Rights Movement. The HPF appropriation also included \$4,000,000 for competitive grants to Historically Black Colleges and Universities (HBCUs) and \$5,000,000 for the Save America's Treasures competitive grant program for preservation of nationally significant sites, structures, and artifacts.

Tax reform continues to be a concern and co-sponsors for the Historic Tax Credit Improvement Act (S. 425; H.R. 1158) are still being sought. On September 26th, Republican leaders released a plan to overhaul the U.S. tax code that “envisions” the repeal of certain tax credits but does not specifically eliminate the Historic Tax Credit (HTC).

Assistance in encouraging members of the Maryland Congressional delegation to co-sponsor the House and Senate Historic Tax Credit Improvement Act bills is also needed. To date, only Senator Cardin and Congressman Cummings have signed on to these bills.

D304 Easement Breach

Ms. Hughes provided an overview of the MHT deed of easement on the three Baltimore City owned bronze monuments that depict Confederate subject matter, and the timeline of events related to their removal by Baltimore City.

Mr. Edson asked members of the public to provide public comment on this matter prior to the Board going into closed session.

John Zebelean III, Commander of the Major General Isaac Ridgeway Trimble Camp #1836 of the Maryland Division of the Sons of Confederate Veterans, addressed the Board. Mr. Zebelean spoke about the history and significance of the monuments. He stated that the MHT historic preservation easement on the monuments has been breached and he is looking to MHT to enforce its rights under the easement. In his view, it is incumbent upon the City to return the statues to their original location.

Mr. Edson thanked Mr. Zebelean for attending the Board meeting and sharing his views.

Chuck Edson noted that it would be necessary to consider this item in closed session pursuant to General Provisions Article Section 3-305(b)(1)(7) to consult with counsel to obtain legal advice on a legal matter.

As permitted by the Open Meetings Act, Annotated Code of Maryland, General Provisions Article, Section 3-305(b)(1)(7) Al Luckenback made a motion, seconded by Marty Azola, that the Board adjourn to closed session to discuss the breach of easement regarding Baltimore City's recent removal of three bronze statues, and the Trust's legal rights to enforcing the deed of easement. The motion was approved unanimously.

The Board returned to open session. During the closed session, the Board directed staff to prepare a letter to the Commission on Historical and Architectural Preservation requesting the opportunity for the Trust to participate on the City's bronze monuments working group in order to provide guidance on the future treatment of the monuments, and set an achievable timetable for preserving the monuments and returning them to public accessibility.

D305 Public Statement on Monuments

Ms. Hughes reported that during the Board's September 22nd Executive Committee teleconference, it was suggested that the Board consider issuing a public statement on the Board's position regarding the preservation of Confederate monuments generally. She referred members to the meeting packet which included examples of statements issued by various national, state, and local organizations.

Board members discussed their views on the issuance of a public statement.

Volunteers from the Board were requested to serve on a working group to develop a draft statement for the Board's consideration. Volunteers included Laura Mears, Sakinah Linder, Chuck Edson, Sarah Filkins, and Sam Parker.

Announcements

Mr. Stek reported that efforts to designate Malloys Bay as a National Marine Sanctuary are ongoing. Action on the proposal by NOAA is expected by February 2018.

Ms. Raines reported on the schedule for the Capital Historic Preservation Grant Program which was funded at \$600,000 in the fiscal year 2018 budget. The schedule is as follows:

November 2017: Issue intent to apply form; make guidelines available on MHT website. Hold workshops for potential applicants.

January 2018: Intent to apply forms due. Make full application available on MHT website.

February 15, 2018: Applications due.

March 2018: Grant awards to be reviewed by MHT's Board of Trustees at its March 2018 meeting.

The meeting adjourned at 12:55 p.m.

Mr. Charles L. Edson, Chair

Elizabeth Hughes, Director