



Maryland Department of Planning  
Maryland Historical Trust

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## Maryland Historical Trust

### NOTICE

The regular meeting of the Maryland Historical Trust Board of Trustees will be held on Thursday, October 3<sup>rd</sup>, 2013, at 10:00 a.m., located at the Chestertown Town Hall, 118 N. Cross Street, Chestertown, MD. There will be no committee meetings prior to the board meeting.

Board Meeting

10:00 a.m.

Lunch

1:00 p.m.

This notice given 10<sup>th</sup> day of September, 2013.

J. Rodney Little  
Director

Please respond by e-mail [kmonday@mdp.state.md.us](mailto:kmonday@mdp.state.md.us) or phone (410) 514-7603 by September 26<sup>th</sup>, 2013.

Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Richard Eberhart Hall, AICP, Secretary  
Matthew J. Power, Deputy Secretary

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Maryland Department of Planning  
Maryland Historical Trust

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**MARYLAND HISTORICAL TRUST  
BOARD OF TRUSTEES' MEETING  
October 3, 2013**

**Chestertown Town Hall, 118 N. Cross Street, Chestertown, MD  
No Committee Meeting; Board Meeting 10:00 a.m.**

**AGENDA**

- H1 CALL TO ORDER
- H2 APPROVAL OF MINUTES
- H3 COMMITTEE REPORTS
  - H100 Capital Programs
  - H101 GAR Building Restoration Project – Presentation by Leslie Raimond
  - H102R Spanish Mission House at National Park Seminary –  
Easement and Tax Credit Appeal
  - H103R African American Heritage Preservation Grant Program
  - H104R Formal Delegation to the Director – State Section 106 Review
- H200 Survey, Registration, Community Education & Museums
- H201 PreserveMaryland Update
- H300 Management & Planning
- H301 Outreach and Legislative Committee - Report
- H302 2014 Preservation Awards and Board Advocacy Day Event
- H303R Investment Policy Revision
- H304 Heritage Preservation Fund – Report by Preservation  
Maryland
- H305 FY2014 Budget & Legislation - Report
- H306 Litigation & Legal Issues – Report
- H307 2014 Meeting Schedule

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

**October 3, 2013**

**Chestertown Town Hall, 118 N. Cross Street, Chestertown, MD 21032**

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust (MHT or Trust) was held at the Chestertown Town Hall, 118 N. Cross Street, Chestertown, MD 21032 on October 3, 2013.

Trustees present: Ms. Bailey and Messrs. Delgado, Edson, Gibson, Poffenberger, Stek, and Turner.

Ex Officio: Deputy Secretary of Planning Amanda S. Conn.

Area Representatives present: Messrs. Azola, Brown, Charlton, Eshelman, Spikes and Ms. Tilghman.

Office of the Attorney General: Paul Cucuzzella, Rieyn DeLony, Emilie Whitehurst.

MHT Staff: Rodney Little, Elizabeth Hughes, Anne Raines, Michael Day, Amy Skinner, Renee Novak, Nell Ziehl, and Kathy Monday.

Guests: Greg Wilson, Steadfast; Lynora Marshall, Dale Green, Barbara Mobarak, Theodore Mack, Sharon Park, and Joni Jones, Maryland Commission on African American History and Culture; Craig O'Donnell, Kent County News; Leslie Raimond, Kent County Arts Council; Marilyn Benaderet, Preservation Maryland.

*\*Committee Only*

H1                    CALL TO ORDER

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

H2                    APPROVAL OF MINUTES

Ms. Bailey made a motion, seconded by Mr. Eshelman, that the August 8, 2013 minutes be approved as submitted. The motion was approved unanimously.

H3                    COMMITTEE REPORTS

H100                Capital Programs

H101 GAR Building Restoration Project – Presentation by Leslie Raimond

Leslie Raimond, representing the Kent County Arts Council, thanked the Board for its past support of efforts to restore the Charles Sumner Lodge and shared a powerpoint presentation documenting its past history and future use.

H102R Spanish Mission House at National Park Seminary –  
Easement and Tax Credit Appeal

Michael Day explained that the Trust holds a perpetual historic preservation easement on the Spanish Mission House at the National Park Seminary, located in Forest Glen, Maryland. He reported that the owner of the property, Greg Wilson, requested Trust approval of certain alterations to the easement property and requested the approval of a Part 2 Sustainable Communities Tax Credit application related to the proposed alterations. Both requests have been denied by the Director of the Trust.

The Trust's easement program provides that in the event that an application for alteration to an easement property is denied by the Director of the Trust, the applicant may appeal this decision to the MHT Board of Trustees. Similarly, the Sustainable Communities Tax Credit program provides that appeals of tax credit denials may be heard by the MHT Board of Trustees.

Mr. Day reported that the Director of the Trust had denied Mr. Wilson's request to install a specific type of a roof top deck with railing and balustrade and conversion of a window on the northeast side of the tower to a door. The Director denied the request as it would significantly impact the character of the building and was inconsistent with The Secretary of the Interior's *Standards for the Treatment of Historic Properties*, in particular General Rehabilitation Standards 2 and 9.

Mr. Wilson presented his appeal, sharing historic photographs of the building and discussing the longstanding use of the roof of the house for sunbathing and other activities.

Discussion followed.

Ms. Tilghman made a motion to approve the following resolution, seconded by Ms. Bailey, which was unanimously approved.

**WHEREAS**, the proposed changes and alterations to the Spanish Mission House at National Park Seminary are not consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* as required by the Sustainable Communities Tax Credit Program and the perpetual preservation easement held by the Trust on the subject property;

**NOW THEREFORE BE IT RESOLVED**, that the Board upholds the Director's September 6, 2013 denial of proposed changes and alterations under the Trust's historic easement program and the Trust's September 5, 2013 denial of tax credits for the property.

Mr. Edson encouraged Mr. Wilson to continue consulting with staff regarding alternative and approvable railing designs.

**H103R Award Recommendations --African American Heritage Preservation Grant Program**

Chuck Edson noted that since this agenda item involves pre-decisional, deliberative action on a State capital budget matter, it must be dealt with in closed session.

As permitted by the Open Meetings Act, Annotated Code of Maryland, State Government Article, Section 10-508(a)(13), Mr. Delgado moved, seconded by Ms. Bailey, that the Board adjourn to closed session, to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosure about a particular matter. The motion was approved unanimously.

In open session, Mr. Turner made a motion to approve the following resolution, seconded by Ms. Bailey, which was unanimously approved.

**RESOLVED**, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation of those projects described in Exhibit A (African-American Heritage Preservation Grant Chart for Fiscal Year 2015) to the Department of Budget and Management for funding in the state capital budget for FY2015.

**H104R Formal Delegation to the Director – State Section 106 Review**

Chuck Edson noted that since this agenda item involves discussion and clarification of the Trust's role in carrying out duties under Md. Code Ann. State Finance and Procurement Art. §§ 5A-325 and 326 in order to minimize potential litigation, it must be dealt with in closed session.

As permitted by the Open Meetings Act, Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (8), Mr. Delgado moved, seconded by Ms. Bailey, to adjourn to closed session, to consult with counsel to obtain legal advice on a legal matter, and to consult with staff, consultants and others about pending or potential litigation.

In open session, Mr. Poffenberger made a motion, seconded by Mr. Delgado, which was unanimously approved.

**RESOLVED**, Since the 1985 implementation of Sections 5A-325 and 5A-326 of the State Finance and Procurement Article of the Maryland Annotated Code (the "Act"), it has been the consistent practice of the Board of Trustees of the Maryland Historical Trust (the "Trust") that the Trust's duties to review, consult, and make determinations with respect to capital projects affecting historic properties, as prescribed in Sections 5A-325 and 5A-326 of the Act, are carried out by the Director of the Trust. The Board of Trustees desires to confirm and formalize this practice by delegating to the Director, pursuant to Section 5A-318(b) 15 of the Act, the authority to carry out the Trust's duties set forth in Sections 5A-325 and 5A-326, including but

not limited to the Trust's duties under Sections 5A-326(d) and (e), governing permits, licenses and financial assistance provided by State units.

H200            Survey, Registration, Community Education & Museums

H201            PreserveMaryland Update

Nell Ziehl provided an overview of the draft state historic preservation plan findings. She noted that it has been posted on the MHT website for public comment. The final version of the plan is expected to be submitted to the National Park Service in December of 2013.

H300            Management & Planning

H301            Outreach and Legislative Committee - Report

Report deferred to December meeting due to time constraints.

H302            2014 Preservation Awards and Board Advocacy Day Event

Mr. Edson reminded the Board that its annual preservation awards event will be held on Tuesday, February 4, 2014 at the Governor Calvert House in Annapolis. A board meeting will take place in Annapolis that morning. Board members will be encouraged to visit with their Delegates and Senators to advocate for funding for Trust programs that afternoon.

H303R          Investment Policy Revision

Ms. Hughes reported that the MHT Board Investment Committee met with Brown Advisory investment advisor Hunter Purcell on August 8, 2013. At that meeting, Mr. Purcell recommended that the Board revise the Maryland Historical Trust Heritage Preservation Fund Investment Policy to permit the total portfolio to contain up to 20% of foreign stocks and bonds. Currently, Section E.5 of the policy states that foreign stocks and bonds will not make up more than 10% of the total portfolio.

Mr. Purcell recommended this change because such flexibility is needed to allow Brown Advisory to take advantage of fluctuating market conditions that may be advantageous to the Trust. Foreign markets, particularly those within the emerging markets space, possess economic and demographic profiles that differ from those in more developed nations and may present compelling opportunity for growth in the future.

Mr. Delgado made a motion to approve the following resolution, seconded by Ms. Bailey, which was unanimously approved.

**RESOLVED**, that the Board of Trustees revises Section E.5 of the Maryland Historical Trust Heritage Preservation Fund Investment Policy such that foreign stocks and bonds may comprise "up to 20%" of the total portfolio.

H304 Heritage Preservation Fund – Report by Preservation Maryland

Marilyn Benaderet thanked the Board for its support of the Heritage Preservation Fund and provided an overview of fiscal year 2013 program activities.

H305 FY2014 Budget & Legislation - Report

Ms. Hughes reported that preparation of the FY2014 budget had begun and that the Trust would be working to reauthorize the Sustainable Communities Tax Credit during the 2014 legislative session.

H306 Litigation & Legal Issues – Report

Ms. DeLony reported that there are currently no litigation or legal issues to report.

H307 2014 Meeting Schedule

The Board reviewed the draft 2014 meeting schedule. It was suggested that the September meeting be deleted and that one of the 2014 meetings be held at the National Park Seminary in Montgomery County. A revised meeting schedule will be distributed to the Board.

Meeting adjourned at 1:03 PM.

Mr. Charles L. Edson, Chair

J. Rodney Little, Director