



*Maryland Department of Planning  
Maryland Historical Trust*

*Martin O'Malley  
Governor*

*Anthony G. Brown  
Lt. Governor*

*Richard Eberhart Hall  
Secretary*

*Matthew J. Power  
Deputy Secretary*

## Maryland Historical Trust

### NOTICE

The regular meeting of the Maryland Historical Trust Board of Trustees will be held on Thursday, July 21, 2011, at the Jefferson Patterson Park and Museum, 10515 Mackall Road, MAC Lab Conference Room, St. Leonard, MD 20685

Board Meeting 10:30 a.m.

Lunch 1:00 p.m.

This notice given June 13, 2011.

J. Rodney Little  
Director

Please respond by email [skeyser@mdp.state.md.us](mailto:skeyser@mdp.state.md.us) or phone (410) 514-7603 by July 13, 2011.





*Maryland Department of Planning*  
**MARYLAND HISTORICAL TRUST**  
**BOARD OF TRUSTEES' MEETING**

**July 21, 2011**

**Jefferson Patterson Park and Museum**  
**10515 Mackall Road, MAC Lab Conference Room**  
**St. Leonard, MD 20685**  
**Board Meeting 10:30 a.m.**

AGENDA

*\*Committee Only*

- V1 CALL TO ORDER
- V2 APPROVAL OF MINUTES
- V3 COMMITTEE REPORTS
- V100 Management & Planning
- V101 FY2012 Budget & Legislation- Report
- V102 Litigation & Legal Issues
- V103 Presentation by the Maryland Humanities Council
- V104 Recognition of History Day Student Recipients of MHT Board Award
- V105R Reallocation of Ridout Fellowship Funds
- V106R Heritage Preservation Fund Special Projects for FY2012
- V107 Ad Hoc Committee on the West Side – Report
- V108 Interim Action of the MHT Executive Committee
- V200 Capital Programs
- V201R Amendment to the Grant Agreement for St. Katherine of Alexandria, Baltimore City
- V202R Amendment to the Grant Agreement for the Keyser Library, Baltimore City
- V203R Amendment to the Grant Agreements (FY2007 & FY2009) for San Domingo Rosenwald School, Wicomico Co.
- V204R USS Olympia Easement Acquisition
- V205 Waverly, Howard Co., Tent Appeal
- V206R Right of First Refusal on Cedar Hill, Calvert Co.
- V300 Survey, Registration, Community Education & Museums
- V301R Approval of FFY2011 CLG Grants – Supplemental Funding Round



MARYLAND HISTORICAL TRUST  
BOARD OF TRUSTEES' MEETING  
July 21, 2011  
Jefferson Patterson Park and Museum  
10515 Mackall Road, MAC Lab Conference Room  
St. Leonard, MD 20685  
Board Meeting 10:30 a.m.

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held at Jefferson Patterson Park and Museum, 10515 Mackall Road, MAC Lab Conference Room, St. Leonard, MD 20685.

Trustees present: Messrs. Wetherill, Edson, Gibson, Buchanan, Poffenberger, Luckenbach, Lighthizer, and Turner

Area Representatives present: Messrs. Azola, Brown, Callan, Camlin, Charlton, and Eshelman

Kristen Harbeson representing Delegate Maggie McIntosh

Assistant Attorney General: Philip Deters

Guests: Phil Bryan, Park Supervisor, Howard Co. Dept. of Recreation & Parks  
Clara Gouin, Howard Co. Park Planner and Landscape Architect

Pheobe Davis – Maryland Humanities Council  
Grayson Middleton – History Day Prize Recipient  
Brigit Gilvary – History Day Prize Recipient

*\*Committee Only*

V1 CALL TO ORDER

Mr. Wetherill, Chair, called the meeting to order at 10:30 a.m. A quorum of Trustees was present.

Mr. Wetherill introduced Mark Thompson, Director of Jefferson Patterson Park and Museum. Mother Nature threw a bit of a curve ball on Tuesday when winds in excess of 60 MPH blew off the MAC Lab door and a power outage occurred shutting down the air conditioning. Thankfully the air conditioning is working now since the heat index outside is supposed to be 115 degrees. Mr. Thompson indicated that the activities for the day are listed on a salmon colored sheet of paper which is located at the front desk. A MAC Lab tour is scheduled at about 11:00 a.m. After lunch a MAC Lab tour or an Exhibit Barn tour featuring an exhibit on the War of 1812 are available. At 7:00 p.m., as part of the JPPM Speaker Series, Dr. Tim Horsley will be the guest speaker.

V2 APPROVAL OF MINUTES

Mr. Buchanan made a motion, seconded by Mr. Camlin, that the May 20, 2011 minutes be approved as submitted. The motion was approved unanimously.

V3 COMMITTEE REPORTS

V100 Management & Planning

V101 FY2012 Budget & Legislation – Report

Mr. Little informed the Board that the Maryland Historical Trust has not yet received any instructions on preparation of the FY2013 budget, and it is also too early for legislation.

V102 Litigation & Legal Issues

Mr. Deters reported on the pending litigation on the Superblock in the Baltimore City West Side. The Attorney General filed a Motion to Dismiss the lawsuit against the Maryland Historical Trust. The Motion to Dismiss was argued about 2 ½ weeks ago. A motion was also filed by the city for dismissal of the suit against the city. The judge in the end agreed to take the motions under consideration. He said he would try to rule as quickly as possible, but no decision has been made yet. A Motion to Dismiss is the first step in most litigation. This is disfavored by the courts, because it cuts off the plaintiff's opportunity to argue the case. The substance of the motions to dismiss is based entirely upon legal arguments. If the State's motion is denied, discovery will proceed. There have already been discovery requests filed for documents and interrogatories and depositions will follow. The plaintiffs are taking an aggressive position in this case, and Mr. Deters expects it to move quickly if the State's Motion to Dismiss is denied.

Mr. Deters answered Mr. Edson's question about the law suit by responding that "this suit is by an entity known as 120 W. Fayette St., LLP for which Peter Angelos is Chairman of the Board, and he has taken the lead in opposing certain other actions on the West Side." This includes the State Center lawsuits. Board members have received a copy of the Complaint and the State's Motion to Dismiss.

V103 Presentation by the Maryland Humanities Council

Mr. Wetherill introduced Ms. Phoebe Stein Davis who is the Director of the Maryland Humanities Council. The Trust has participated in a number of initiatives with the Maryland Humanities Council, and State funding for the MHC is a line item on the Trust's annual budget. The Maryland Historical Trust (MHT) participates in the History Day Prize with them every year.

Ms. Davis informed the Board that Jefferson Patterson Park and Museum (JPPM) is a recent grantee of the Maryland Humanities Council (MHC). JPPM has sponsored a virtual field trip project which is web based. This allows thousands of more visitors to access a collection at

JPPM who are unable to make an onsite visit. Ms. Davis thanked the Trust for its support of the MHC.

Ms. Davis reported on the Trust's support of the MHC and shared missions assisting the people of Maryland to understand their historical and cultural heritage. Through the 25 year partnership with the Trust, the MHC through the Trust's support has created and promotes informed dialogue and civic engagement for thousands of Marylanders every year across the state.

Ms. Davis mentioned that the MHC has been around for almost 40 years. They were established by the National Endowment for the Humanities, and they do receive some Federal funding as well but are a 501(c)3 non-profit educational organization. They were originally established as a re-granting organization. They still have a robust grants program, but the MHC has added 10 other programs. The Maryland Humanities Council has a staff of 9 full-time employees, 4 part-time employees, and volunteers in Baltimore City, but they serve the whole state. All of their programs are free and open to the public. They use the humanities to encourage people to talk about critical issues in the past, present, and future. The Maryland Humanities Council defines the humanities very broadly: history, literature, art history, philosophy, ethics, sociology, archeology and jurisprudence.

One of their programs, Maryland History Day, is a year-long research project using original sources and documents for middle and high school students. They compete at a county level, a state level; and if they advance to the state level, the national level. Ms. Davis was joined by two of the MHC's state special prize winners who won the preservation awards that the MHT supports. Participants compete in the following categories: documentary film, papers, performance, and websites. Performance and documentary film were represented at this meeting by Brigit Gilvary from Huntington High School and Grayson Middleton from Centreville Middle School as they summarized their projects. A student at Plum Point Middle School, Ethan McComb, also won a gold medal for his exhibition on the Marshall Plan at National History Day.

Ms. Davis mentioned that MHT's support also helps the MHC work closely with Mary Alexander on the Trust's Museum on Main Street Program. This is a partnership with the Smithsonian to bring small touring exhibits on various topics around the state. A couple of years ago, the topic was key ingredients of America's food ways. This year the Program is exploring the cultural history of fences, boundaries, and borders. Next year an exhibit entitled Journey Stories will focus on immigration, migration, and transportation.

The MHC is also Maryland's Center for the Book. The flagship for this project is called "One Maryland One Book." This year's selection committee chooses a book, and asks everyone in the state to read the same book and think about its meaning for their communities. The book this year is "The Absolutely True Diary of a Part-Time Indian" by Sherman Alexie. The MHC gives away thousands of books to libraries and schools. The MHC gives away about 8,000 books a year. As part of the Program, the MHC sponsors a very ambitious author and lecture tour across the state of Maryland for each one of these authors. Sherman Alexie will be touring the state of Maryland from September 22 – September 24 at the Baltimore Book Festival. The state money that comes to the MHC is leveraged by corporate support. The MHC has support from Bank

America, Verizon, Constellation Energy, and M&T Bank. Ms. Davis provided the Board with the MHC's marketing brochure and a list of their programs. Kristen Harbeson is one of the history day judges. If anyone is interested in judging, Maryland History Day is scheduled for Saturday, April 30, at UMBC. Ms. Davis thanked the Trust for its support.

V104 Recognition of History Day Student Recipients of MHT Board Award

Ms. Davis introduced Brigit Gilvary, a student at Huntington High School, whose project was a performance that focused on the Arts and Crafts movement, an Old Debate with New Found Relevancy. Ms. Gilvary is this year's winner of one of the two special prizes that the Trust supports at History Day. Mr. Wetherill presented Ms. Gilvary with a certificate.

Ms. Davis introduced Grayson Middleton, a student at Centreville Middle School, and his father to the MHT Board of Trustees. Mr. Middleton's DVD, which he will play at lunch, is entitled, "Holland Island and the Story of the Man who Wouldn't Say No." Mr. Middleton reported that his great-great grandmother was from Holland Island. She was a Todd and had lived on Holland Island from the very beginning. In 1920 erosion started occurring on the Island. Since 1970, Stephen White has been trying to save the Island. Mr. Wetherill presented him with a certificate.

V105R Reallocation of Ridout Fellowship Funds

Ms. Hughes stated that, in 2003, the MHT Board approved an annual expenditure of \$1,500 from the Board's Heritage Preservation Fund to support a fellowship in honor of Orlando Ridout, IV. MHT had hoped for the University of Maryland Foundation to fund an ongoing fellowship at the University of Maryland in their Historic Preservation program. That has not worked out. Some years ago, the Board decided to stop setting aside \$1,500 every year until MHT could sort out whether the fellowship will happen. There has not been any progress on the fellowship so there has been talk in the Heritage Preservation Fund Disposition Committee about whether MHT should leave the accumulated \$9,000 sitting there, find another use for the money, or return it to the Fund for reallocation.

At the same time, this May MHT received a request from the Friends of the Maryland State Archives asking whether MHT would be interested in partnering to fund publication of the manuscript written by Orlando Ridout, IV on the James Brice House, a national historic landmark in Annapolis. The original manuscript by Mr. Ridout has been expanded to include the later history of the house and its restoration in the 1950's. A limited run would be printed and then print on demand. Seven thousand dollars is being requested from the Friends of the Maryland State Archives to fund this initial printing. The Heritage Preservation Fund Disposition Committee considered this in June and recommended reallocating \$7,000 of the \$9,000 towards this publication, with the remaining \$2,000 to be returned to the Heritage Preservation Fund for reallocation. Discussion ensued.

Dr. Luckenbach moved, Mr. Charlton seconded, and the following resolution was approved unanimously.

**WHEREAS**, the Maryland Historical Trust Board of Trustees on May 3, 2003 (Board Item X103) approved annual expenditures of \$1,500 from the MHT Heritage Preservation Fund to match annual contributions of \$1,500 from the Ridout family and \$3,000 from an institution of higher education to establish a graduate student fellowship; and

**WHEREAS**, the Trust has approached the University of Maryland, College Park, but to date agreement has not been reached to establish the graduate student fellowship and provide for administering the fellowship;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees, that up to \$7,000 of the \$9,000 set aside for the graduate student fellowship in honor of Orlando Ridout IV be reprogrammed to support publication of "The James Brice House" and that the remaining \$2,000 be returned to the Heritage Preservation Fund.

#### Background

At its May 2, 2003 meeting, the Board voted to "approve an annual \$1500 expenditure from the Board of Trustees' discretionary fund for a graduate student fellowship in honor of Orlando Ridout IV." These funds were to be matched by the Ridout family and then doubled by the University of Maryland, resulting in an annual fellowship of \$6000. Subsequent to that action of the Board, staff prepared a letter of agreement for signature by the University of Maryland Foundation, the entity responsible for administering the award of funds. The Foundation never responded to the letter of agreement.

Between 2003-2008, the MHT Board set aside \$9,000 in funds to be applied to the graduate student fellowship program. At its July 11, 2008 meeting, the Board took action to cease setting aside funds for the graduate student fellowship until such time as a graduate student fellowship program was developed and implemented. However, the Board indicated that annual Trust expenditures committed for fiscal years 2004 through 2008 should remain committed for the graduate student fellowship. Since 2008, no further progress has been made in establishing a graduate student fellowship in honor of Orlando Ridout IV.

In May 2011, MHT staff was approached by the Maryland State Archives with a request for support for publication of a book on the building of the James Brice House in the context of late Colonial Annapolis. The manuscript has been developed from the thesis produced by Orlando Ridout IV in 1978 in fulfillment of the requirement for an MA degree from the University of Maryland College Park, expanded to include the later history of the house and its restoration in the 1950s.

The story of the James Brice House is built on a rare combination of exhaustive documentation of the building process in a setting that retains so much of the 18<sup>th</sup> century context. The house itself, which contains a remarkable level of original 18<sup>th</sup> century fabric, with the account book offers a rare and fascinating glimpse into the creation of one of the most important colonial dwellings in America. This book, with its personal details about James Brice and his family, as well as his detailed account book, will provide an invaluable resource for architectural historians interested in building methods and materials in 18<sup>th</sup> century America.

The project is a joint effort with the Maryland State Archives and the Friends of the Maryland State Archives which has already funded the editing of the manuscript through the 1873 period. The editor is now working on the section of the manuscript relating to the history of the house after 1873. The account book has been scanned by the Archives at high resolution and is ready for reproduction as part of the publication. The final product will be the book, tentatively titled "The James Brice House." Beyond the initial printing of the book, additional copies will be available on an on-demand print basis to the public.

The MHT Board Heritage Preservation Fund Disposition Committee is recommending that up to \$7,000 of the \$9,000 set aside for the graduate student fellowship in honor of Orlando Ridout IV be reprogrammed to support publication of "The James Brice House." Orlando Ridout IV has indicated that he would consider it an honor for the Trust to sponsor the publication of this book. The Ridout family has indicated support for this action. It is further recommended that the remaining \$2,000 of set aside funds be released and returned to the Heritage Preservation Fund.

V106R          Heritage Preservation Fund Special Projects for FY2012

Ms. Hughes mentioned that, in 2006, the Board approved the Heritage Preservation Fund Disposition Policy, by which the Board awards a certain percentage of that fund to projects each year. The policy states that 4% of the value of the Fund, based on a four year rolling average of the fund's market value, will be awarded on an annual basis. This year there is up to \$92,086 that MHT has available to award to Trust-initiated projects. Every year MHT requests proposals from our staff to use these funds in some matter. This year MHT received 10 requests for project funding in FY2012. The Heritage Preservation Fund Disposition Committee is made up of Bernie Callan, John Seidel, Al Luckenbach, Dick Charlton, and Harrison Wetherill. The Committee is recommending 3 actions. The first is approval of 7 projects for support out of the Heritage Preservation Fund of up to \$92,085. These include: 1) \$22,253 for the Easement Inspector position to be a full-time contractual position at a grade 14. This is not the total amount for the Easement Inspector salary which is \$44,319; 2) \$500 for the History Day Prize; 3) Up to \$5,000 for the Trust's Preservation Awards Ceremony; 4) Up to \$3,000 for the Employee Awards Recognition Program; 5) Up to \$3,500 for the Museum Assistance Program; 6) Up to \$15,000 for Staff Training; and 7) Up to \$42,832 for the Synthesis of Maryland's Archeological Data Project.

The second item is that the \$2,000 recaptured from the set-aside for the graduate student fellowship in honor of Orlando Ridout IV be reprogrammed to support the African American Life Remembered Project submitted by Jefferson Patterson Park and Museum.

The third item is reprogramming \$18,321.50 of the FY2008 \$50,000 award to support the Easement Documentation Program be reallocated to support the full-time Easement Inspector contractual position. Discussion ensued.

Mr. Edson moved, Mr. Lighthizer seconded, and the following resolution was unanimously approved:

**RESOLVED, that the Maryland Historical Trust Board of Trustees approves an expenditure of up to \$92,085 from the MHT Heritage Preservation Fund in fiscal year 2012 to support the following projects:**

- Up to \$22,253 for the Easement Inspector full time contractual position (Grade 14);
- Up to \$500 for the History Day Prize;
- Up to \$5,000 for the 2012 Preservation Awards Presentation and Reception;
- Up to \$3,000 for the MHT Board of Trustees Recognition Awards Program;
- Up to \$3,500 for the Museum Assistance Program Training Workshops;
- Up to \$15,000 for Staff Training; and,
- Up to \$42,832 for the Synthesis of Maryland's Archeological Data project.

**AND, BE IT FUTHER RESOLVED,** by the Board of Trustees, that up to \$2,000 in MHT Heritage Preservation Funds recaptured from the set-aside for the graduate student fellowship in honor of Orlando Ridout IV be reprogrammed to support the African American Life Remembered Project submitted by Jefferson Patterson Park and Museum in fiscal year 2012.

**AND, BE IT FUTHER RESOLVED,** by the Board of Trustees, that up to \$18,321.50 of the FY2008 \$50,000 award from the Heritage Preservation Fund that was allocated to support the MHT Easement Documentation Program be reprogrammed to support a full time MHT Easement Inspector contractual position in fiscal year 2012.

#### Background

At its December 7, 2006 meeting, the Board approved the Maryland Heritage Preservation Fund Disposition Policy (subsequently amended on February 1, 2007 and on November 29, 2007) and directed MHT staff to prepare specific project proposals, in accordance with that Policy, for funding from the Fund. Under the Policy, eligible projects include those representing significant "targets of opportunity" or high priority projects or programs to be initiated and conducted by the Trust which are not funded by the Trust's appropriated state budget.

Based on the Maryland Heritage Preservation Fund Disposition Policy, total approvals for expenditures from the Fund for FY12 shall not exceed four percent of the value of the Fund (contributions to the Fund, income, and appreciation) based on a four year rolling average of the Fund's market value minus any prior commitments not yet expended and by any restricted funds and interest earned on these funds that are included in the Fund.

Categories	June 30, 2008	June 30, 2009	June 30, 2010	June 30, 2011
Value of Fund (contributions to the Fund, income, and appreciation) based on the June 30 portfolio holdings statement	\$2,852,025.97	\$2,164,424.99	\$2,347,759.79	\$2,676,415.95
Minus restricted funds and interest earned on those funds.	(Restricted funds now accounted for separately)			
Minus prior commitments not yet expended	-\$216,609.92	-\$233,999.09	-230,976.07	-150,401.94
<b>Total:</b>	<b>\$2,635,416.05</b>	<b>\$1,930,425.90</b>	<b>\$2,116,783.72</b>	<b>\$2,526,014.01</b>

Sum of 2008- 2011 totals	<b>\$9,208,639.68</b>
Average of 2008- 2011 totals (i.e. "four year rolling average")	<b>\$2,302,159.92</b>
4% of four year rolling average (i.e. amount available for expenditure in	<b>\$92,086.40</b>

FY2012)	
<b>Total Available for expenditure in FY2012:</b>	<b>\$92,086.40</b>

Trust staff submitted ten projects for the Board's consideration for funding in fiscal year 2012 (see Attachment 1). The Maryland Heritage Preservation Fund Disposition Policy Committee met on June 23<sup>rd</sup> to consider these project proposals and recommends full or partial funding of seven of the ten proposals submitted as noted in the resolution above at a total of \$92,085 in fiscal year 2012 funds.

In addition, the Committee recommended that up to \$2,000 in MHT Heritage Preservation Funds recaptured from the set-aside for the graduate student fellowship in honor of Orlando Ridout IV be reprogrammed to support the African American Life Remembered Project submitted by Jefferson Patterson Park and Museum in fiscal year 2012.

Finally, the Committee also recommended that that up to \$18,321.50 of the FY2008 \$50,000 award from the Heritage Preservation Fund that was allocated to support the MHT Easement Documentation Program be reprogrammed to support a full time MHT Easement Inspector contractual position at a Grade 14 in fiscal year 2012.

#### Attachment 1

#### MHT Heritage Preservation Fund – FY2012 Project Proposals

	Project Title	Summary Description	MHT Board Request	Total Cost
1.	African American Life Remembered	Provide funds to Friends of JPPM to develop an audio tour that explores the African American experience in Calvert County, Maryland through archaeological research on the Park and through the eyes of local African Americans who lived in the county during the last century. This will be the third audio tour in an award winning series developed in conjunction with a local school.	\$2,500	\$4,500
2.	Easement Inspector Contractual Position	Provide funds to continue the Easement Inspector full time contractual position in the Office of Preservation Services, reclassifying the position from a Grade 14 to a Grade 16.	\$44,319	\$44,319
3.	History Day Prize	Sponsor an annual Maryland Historical Trust prize as part of Maryland History Day to reward middle and high school students whose projects have involved the identification and evaluation of historical and cultural resources as part of their research or whose projects are designed to effect the protection of historical and cultural resources.	\$500	\$500
4.	Maryland Historical Trust Publication	Publication of a history of the Maryland Historical Trust (MHT) that places the work of the Trust in the context of the national preservation movement.	\$50,000	\$50,000
5.	MHT Board of Trustees Preservation Awards Presentation and Reception 2012	Provide support for materials, space rental, and reception food and beverage associated with annual MHT Board Preservation Awards.	\$5000	\$5000
6.	MHT Board of Trustees Recognition Awards Program	Provide monetary awards to MHT Staff to reward exemplary performance in the public interest in connection with an employee's work at the Trust.	\$3000	\$3000
7.	Museum Assistance Program Training Workshops	Sponsor two workshops for staff and volunteers at Maryland historical and cultural museums. The workshop focus would be (1) basic historical collections care and (2) caring for your	\$3897	\$4897

		historic property. Each workshop would be offered twice, once on the Eastern Shore and once in central Maryland ensuring broad participation. Each workshop would accommodate approximately 25 participants and include "hands on" real world experiences		
8.	Shared Contractual Position for MMAP	Cost-share a contractual position with Maryland State Highway Administration for a year with the possibility of renewal for a second year. The position would assist in office and field activities directed toward the Search for the USS Scorpion Project as well as with the planning, preparation and execution of the upcoming Society for Historical Archaeology Conference in Baltimore in January 2012.	\$22,180	\$44,360
9.	Staff Training	Provide funds to assist MHT staff to attend job-related training conferences and workshops.	\$27,841	\$33,265
10.	Synthesis of Maryland's Archaeological Data	Synthesize data from existing archeological research in Maryland, produce overview publications, and develop a system for culling and disseminating data from ongoing research and CRM studies. (This is a continuation of the multi-year project first funded by the MHT Board in 2007 and expected to be concluded in FY2013)	\$50,000 FY12 \$50,000 FY13	\$50,000 FY \$50,000 FY
		<b>TOTAL</b>	\$209,237 \$50,000 FY13	\$239,841 \$50,000 FY

#### V107 Ad Hoc Committee on the West Side – Report

Mr. Wetherill informed the Board that the Ad Hoc Committee on the West Side had received their first assignment, to look over the conceptual proposal on Read's Drug Store. Mr. Little and the Committee worked on a letter of response which has been sent. This is not a final approval of what is being proposed for Read's, but just an approval of the concept.

Mr. Gibson pointed out that the letter and conceptual drawings make it clear that what has been submitted is a general concept. The Trust pointed out that while the upper façades remain original and intact, the ground floor storefront is covered by a brick veneer. More investigation of the building and more detailed plans particularly relative to the first floor façade and the method for ensuring the stability of the remaining exterior are anticipated and will be necessary to allow for final review. The original approval made it clear that there would be no demolition of this building or any contributing buildings on the Superblock until the necessary permits and financing were in place.

Mr. Little indicated that these materials were the first specific building stabilization and treatment plans received from Baltimore Development Corporation. The Trust has been asking for these materials for about 5 years for all the buildings. Mr. Little's approval of December 2010 did involve the demolition of this building as part of a larger plan. So the new proposal, even though it is incomplete at this point, is certainly an improvement over what had been previously approved. Mr. Wetherill stated that the Executive Committee approved the review letter being sent because it had to be mailed within 30 days.

#### V108 Interim Action of the MHT Executive Committee

**Interim review by the Executive Committee: Rehabilitation of the Read's Drug Store Facades under the West Side Memorandum of Agreement**

**Background:** On June 20, 2011, MHT received a package of materials from the Baltimore Development Corporation (BDC) regarding the proposed rehabilitation of the exterior of the Read's Drug Store. This material was emailed to the members of the Trust's Ad Hoc Committee on Baltimore's West Side on June 21.

The report received from BDC provided engineering analysis, conceptual renderings and narrative description of the proposed stabilization and rehabilitation of the visible exterior of the Read's building. This material was, by definition, incomplete at this point in time and allowed for only concept-level review. More investigation of the building and more detailed plans (particularly relative to the first floor façade and the method for ensuring the stability of the remaining exterior walls) are anticipated and will be necessary to allow for final review.

MHT's professional staff completed their review of the proposal and concluded that the concept-level proposal is reasonable, given the overall condition of the building. While the exterior facades of the building remain remarkably intact above the first floor storefront level, the interior has suffered thorough gutting and severe deterioration as noted in the structural engineer's report. While the building is not proposed to be retained in its entirety, the current proposal is an improvement on the previously approved design for the Superblock, which included the complete demolition of the Read's building. The proposal, in concept, treats the surviving visible exterior of the building in accordance with the Secretary of the Interior's *Standards for Rehabilitation* and is consistent with the "Conditions" of the Trust Director's December 2010 approval.

On July 12, 2011, the West Side Ad Hoc Committee met by conference call to discuss the proposal and the draft Director's letter which provides approval of the concept presented, but with conditions to be addressed in a subsequent submittal for final review. The Committee recommended that the draft letter be sent, but recommended revised language to clarify the intent of the conditions.

In order to submit the response within the required 30-day deadline, it was necessary to submit the draft letter with the Committee's recommended clarifications to the Executive Committee. The Executive Committee met by conference call on July 13, 2011. The Executive Committee concurred in the recommendations of the Ad Hoc Committee. (See attached letter sent by the Director to BDC on July 13, 2011.)

July 13, 2011

M. J. Brodie  
Baltimore Development Corporation  
36 S. Charles Street, Suite 1600  
Baltimore, MD 21201-3015

Dear Mr. Brodie:

The Maryland Historical Trust (MHT) received your recent letter transmitting materials related to the former Read's Drug Store building at the southeast corner of Lexington and Howard Streets. Enclosed with the letter, which we received on June 21, were the *Report on Lexington Square Preservation Strategy Amendment*, a *Building Condition Assessment* dated May 10, an elevation of the building dated May 10, and two conceptual-level renderings of the proposed rehabilitated building.

The proposed treatment of the rehabilitated Read's exterior walls is understandably conceptual and incomplete at this time, particularly as it relates to the articulation of the ground floor. While the upper floor facades remain reasonably original and intact, the ground floor storefront was subsequently covered by a brick veneer. After removal of the veneer, it will be possible to assess the extent of surviving historic fabric (e.g., vertical masonry supports or elements, etc.). Adherence to *The Secretary of the Interior's Standards* would not require a "restoration" of the ground floor façade, but instead a "rehabilitation" treatment *compatible* with the original architectural design and retaining any character-defining fabric or elements.

The documents provided to MHT describe a rehabilitation concept that is consistent with the general standards and expectations set forth in my December 22, 2010 letter. Per the accepted conditions of the December letter and the MOA, no demolition of contributing buildings may take place until all necessary permits and financing are in place for construction of the larger project. I understand that selective removal of some building materials may be necessary for stabilization design and exploratory purposes, such as determining what historic materials, if any, survive on the first floor façade. This limited work is acceptable provided it is performed in consultation with MHT and in a manner that ensures the structural stability of the exterior walls. While the submitted material includes a reasonable general narrative description, final submission must include detailed plans and specifications regarding the methods proposed for the bracing and stabilization of the facades prior to, during and after the demolition phase.

I approve the concept illustrated by the materials I received June 21, 2011, with condition that final plans and specifications for the rehabilitation of the building facades as elaborated above, including their bracing and stabilization, are reviewed and approved by MHT for conformance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* prior to any demolition or construction activities.

Sincerely,  
 J. Rodney Little  
 Director \ State Historic Preservation Officer  
 Maryland Historical Trust

V200      Capital Programs

V201R      Amendment to the Grant Agreement for St. Katherine of Alexandria, Baltimore City

Ms. Raines indicated that this is a request to amend the scope of work for this grant agreement to include architectural and engineering services and to delete matching funds for this project. The total amount of the first three grants the grantee has received is \$130,000, and they matched much more than dollar for dollar. The fourth grant that Ms. Raines is requesting this change for is a \$50,000 grant which the grantee was supposed to match with \$75,000. However, they determined that they cannot meet the match, and they have already incurred structural engineering costs and received pro bono engineering services. This particular Church is in West Baltimore near Pennsylvania Avenue (2001 Division St.) and has bricks falling out of the interior arches, and some of the structural underpinning was compromised by some HVAC duct work. Therefore, the building has some great needs. The proposed grant agreement changes would allow the congregation to access the funds without having to provide matching funds.

Mr. Gibson added this is the Church where Thurgood Marshall was confirmed. Mr. Azola has been in the Church and can confirm that it is in bad shape and the need is real. In addition to that, this congregation is needed in a pretty marginal neighborhood and this is a noble undertaking that the Board should seriously consider.

Mr. Gibson moved, Mr. Camlin seconded, and the following resolution was unanimously approved.

**Amendment to Scope – FY 2007 Capital Grant for St. Katherine of Alexandria Church, Baltimore City**

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the scope of work for the FY 2007 MHT Capital Grant to The Church of St. Katherine of Alexandria for work on the property known as St. Katherine of Alexandria located at 2001 Division Street in Baltimore City. The amended scope of work will include: structural stabilization, exterior masonry and carpentry repairs and repainting of the church building; and associated A/E services.

FURTHER RESOLVED, that the Board recommends to the Secretary of Planning that the budget for the Project be amended to delete matching funds.

**Background:** St. Katherine of Alexandria Church received MHT Capital Grants for FY's 2003, 2004, and 2009, all of which have been paid out. The total amount of those three grants was \$130,000, and the total match amount was \$156,000. A fourth grant, from FY2007, has not yet been expended; this grant is in the amount of \$50,000 with a proposed \$75,000 grantee match. However, the grantee has determined that they cannot meet the proposed match. The church has incurred approximately \$25,000 in structural engineering costs, and received approximately \$40,000 in pro bono engineering services toward the structural stabilization project defined in the current, FY2007 grant. However, since these costs were mostly incurred before the date of execution of the grant agreement, they are not eligible to count as match for the grant. In the current economic climate this congregation, like many others, is low on cash reserves. The grantee has raised and spent a great deal of money toward the project over the past 10 years; eliminating the match will allow some of the most pressing structural issues to be addressed. The

amended scope of work will allow the grant funds to be used to pay the structural engineer to tailor the design drawings to the reduced level of funding now available for the project.

V202R            Amendment to the Grant Agreement for the Keyser Library, Baltimore City

Ms. Raines reported that MHT historic preservation capital grants are generally capped at \$50,000. In the rating and ranking of grant applications, the grant applicants do not receive extra points for matching a grant dollar for dollar. However, the Maryland Historical Society proposed to match its grant more than dollar for dollar. The Trust is proposing to reduce their committed match to a dollar for dollar match and also allow expenses from the date of Secretary's approval in 2003.

Mr. Brien Poffenberger abstained because he is a member of the Maryland Historical Society.

Mr. Callan moved, Dr. Eshelman seconded, and the following resolution was unanimously approved.

**Amendment to Grant Agreement – FY 2004 Capital Grant for Keyser Library, Baltimore City**

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends that the Secretary of Planning approve an amendment to the grant agreement for the FY 2004 MHT Capital Grant to the Maryland Historical Society, effective as of January 16, 2004, for work on the property known as Keyser Library located at 201 West Monument Street in Baltimore City. The amendment will allow expenses from August 21, 2003 (the date of the Secretary's Approval) to be claimed under the grant.

FURTHER RESOLVED, that the Board recommends to the Secretary of Planning that the budget for the Project be amended to reduce the amount of "other project funding" to \$50,000.

**Background:** MHT Capital Grant Agreements require that both the grant funds and the grantee match must be spent on a defined scope of work during a defined period of time, typically beginning on the date of the execution of the Grant Agreement.

The FY2004 MHT capital grant for Keyser Library was an emergency grant for "stabilizing and repairing the interior of the Library." The emergency justification was that "[t]he building is suffering from significant plaster and floor deterioration, both of which need to be addressed prior to the fiscal year 2005 grant round to prevent further deterioration." It was the understanding of MHT at the time the grant was awarded that these urgent repairs had already begun. However, the Grant Agreement did not include a clause, occasionally included in the Grant Agreement for an emergency grant, allowing the grantee to claim expenses after the date of the Secretary's Approval, rather than after the date of the execution of the Grant Agreement (which can often be several months after the Secretary's Approval).

In addition, an examination of the invoices submitted by the grantee for this project reveals that while the total project costs were in fact in excess of the \$491,534 proposed in the Grant

Agreement, much of that had already been spent on the specified scope of work prior to the date of the Secretary's Approval. Although it is clear that the project costs borne by the grantee exceeded the project costs indicated in the Grant Agreement, the match amount in the Grant Agreement must be reduced to the amount of the match expended after the date of the Secretary's Approval. The match amount in the Grant Agreement should be reduced to \$50,000, reflecting a dollar-for-dollar match to the Grant, which would have been the maximum match required of any applicant at the time the grant applications were evaluated and ranked.

V203R            Amendment to the Grant Agreements (FY2007 & FY2009) for San Domingo Rosenwald School, Wicomico Co.

Ms. Raines stated that again the issue was timing. The grantee has several grant projects funded by the Trust at the same time and some of the items cost a little more and some additional items need to be funded. In removing the aluminum siding from the exterior of the building, additional window openings were uncovered, and additional windows need to be fabricated for those openings. The highlighted items are the indicated changes to the grant language so this will allow them to access funds as they need them in the appropriate sequence.

Mr. Turner moved, Mr. Camlin seconded, and the following resolution was unanimously approved.

**Amendment to Scope – FY 2007 Capital Grant for San Domingo Rosenwald School, Wicomico County**

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the scope of work for the FY 2007 MHT Capital Grant to the John Quinton Foundation, Inc., for work on the property known as the San Domingo Rosenwald School located at 11526 Old School Road in Mardela Springs, Wicomico County. The amended scope of work will include: repair / replacement of windows and doors, carpentry repairs and painting, improvements to electrical and lighting, installation of ADA restrooms, repair / replacement of fire escape, installation of ramp, site work, and masonry repairs.

**Amendment to Scope – FY 2009 Capital Grant for San Domingo Rosenwald School, Wicomico County**

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the scope of work for the FY 2009 MHT Capital Grant to the John Quinton Foundation, Inc., for work on the property known as the San Domingo Rosenwald School located at 11526 Old School Road in Mardela Springs, Wicomico County. The amended scope of work will include: installation / upgrades to utilities (electrical, HVAC, plumbing) and construction of an ADA accessible restroom, repair / restoration of interior finishes (walls, ceiling, floors) and repairs to accordion doors, repainting all surfaces, masonry and carpentry repairs, window repairs / replacement, and fire escape repairs / replacement.

**Background:** The John Quinton Foundation, Inc. has obtained two MHT Capital Grants (FY 2007 and FY 2009) and a FY 2012 African American Heritage Preservation Grant for the restoration of the San Domingo Rosenwald School. Unfortunately, the grant-funded restoration work was slow in getting underway due to issues with obtaining clear title to the property, which delayed the completion of the easement. While these legal issues were being resolved, the grantee expended its own funds, and funds from private-sector grants, which should be counted toward the match for the MHT Capital Grants. The proposed changes to the scopes of work in the grant agreements will allow these capital expenses to be claimed toward the match. Furthermore, the easement is now in place and the grantee has bid the contract for exterior carpentry, window, and masonry repairs. In removing the aluminum siding from the exterior, additional window openings were uncovered, and replacement windows need to be fabricated for those openings. The proposed changes to the scopes of work reflect the need to carry over certain items from the FY2007 to the FY2009 grant now that the cost and the extent of work are more accurately understood.

\*Highlighted items show changes to original scope.

#### V204R USS Olympia Preservation Covenants Acquisition

The USS Olympia is a National Historic Landmark and is the oldest surviving steel warship in the world. It is housed at the Independence Seaport Museum in Philadelphia. Ms. Hughes indicated that the Museum does not have the funds to care for the ship, and they are looking for a successor to care for the ship and move it to another location. They opened up an application process and are seeking individual organizations who wish to acquire the vessel. It is a three part process and the deadline for the first phase is September 1<sup>st</sup>. However, there is a group called the USS Olympia, Inc. that has approached the Trust asking for its support of their application to acquire the vessel and bring it to Baltimore. Staff has questions as to whether this particular group has the necessary funds to care for the vessel. The question for the Trust is, "Would the Trust be willing to accept transfer of the preservation covenants on the vessel, currently held by the Pennsylvania SHIPO as a result of the Save America's Treasures Grants, other grant funds, and grant agreements if the vessel were to move to Maryland's waters?" The answer to that question is needed as part of the phase I of the application process due September 1. So the question before the Board is, "If this vessel comes to Maryland, would MHT be willing to accept the transfer of the preservation covenants on the vessel from the Pennsylvania SHIPO to the Maryland State Historic Preservation Office, the Maryland Historical Trust?" The USS Olympia, Inc. is currently trying to find a location in Baltimore to dock the ship. They spoke with the Lt. Governor's Office about it and his Office tentatively agreed to be supportive.

Mr. Little stated that there is not a specific requirement that states that properties protected by Maryland Historical Trust preservation covenants and easement must have a Maryland connection. Although the Trust is not really interested in taking easements that do not have a Maryland connection, MHT is anticipating that there will be a number of other groups that will be petitioning to take over the transfer of the property including a group in San Francisco. The Olympia operated out of San Francisco and was the largest Pacific Ocean vessel during the Spanish-American War. She does not have any particular relationship with Maryland. There are other problems, the least of which is they would like to locate it at the Baltimore Inner Harbor

area; but for obvious reasons there does not appear to be a place suitable for docking the ship. The existing Maritime Museum in Baltimore that operates out of the Inner Harbor might view this as a competitor. The Olympia is without question a highly significant vessel and is the oldest surviving steel warship in the world. It was the flagship of the American fleet in the Spanish-American War. There is no question about its significance, but its historic relationship with Maryland is virtually none.

Mr. Wetherill said that the Trust is not necessarily supporting the ship coming to Maryland, but does not want to be a stumbling block. Mr. Day mentioned that the Board had previously heard the challenges facing the Easement staff. The Easement staff is familiar with small vessels, bugeyes, skipjacks, and some work boats; but when it comes to huge vessels that are much bigger than the Constellation, which also is protected by preservation covenants, MHT lacks any expertise in looking at a vessel of this type from a preservation standpoint. If MHT acquires preservation covenants of this type, MHT will be responsible to monitor and enforce maintenance of this vessel, and if the moneys do not come to this project, MHT has no ability to enforce compliance. The Trust also holds preservation covenants on the S.S. John Brown liberty ship, but there are volunteers that work on that ship. Discussion ensued. Dr. Eshelman added that the U.S.S. Olympia needs million and millions of dollars just to be stabilized.

Mr. Edson moved, Dr. Eshelman seconded, that the Trust accepts a preservation covenant on the S. S. Olympia if it comes to Maryland.

Mr. Azola questioned whether it was reasonable to move to accept any easement with conditions such as funding for staff and consultants? Ms. Hughes said that, if MHT cannot say at this point that MHT would accept this easement, I do not think that would hurt anyone's application. The applicant would like that to be part of their package, to know that there would be someone in Maryland willing to accept a preservation covenant.

Mr. Edson moved, seconded by Dr. Eshelman, to accept the preservation covenants subject to working out a satisfactory funding arrangement for the Maryland Historical Trust to enforce the covenants.

Mr. Charlton said he thought this was a bad idea. Mr. Wetherill said to just keep in mind that this resolution is giving the staff the ability to negotiate a reasonable sum to help the Trust administer the covenants. Mr. Azola said that the motion talks about adequate funds but not adequate staff. Discussion ensued.

[Mr. Lighthizer and Dr. Luckenbach left the meeting at this point.]

Without a quorum, the Executive Committee proceeded to vote on the motion. The Executive Committee consists of Mr. Poffenberger, Mr. Wetherill, Mr. Buchanan, and Mr. Edson. The following amended Resolution was passed by three in favor (Mr. Wetherill, Mr. Edson, and Mr. Poffenberger) to one opposed (Mr. Buchanan).

**RESOLVED**, that the Maryland Historical Trust Board of Trustees will accept the transfer from the Pennsylvania Historical and Museum Commission of all protective covenants required by the

various grant agreements associated with the USS Olympia if the USS Olympia is transferred for permanent dockage in Maryland waters *subject to negotiation of adequate funding to administer the covenants.*

**RESOLVED**, that the Maryland Historical Trust Board of Trustees will accept the transfer from the Pennsylvania Historical and Museum Commission of all protective covenants required by the various grant agreements associated with the *USS Olympia* if the *USS Olympia* is transferred for permanent dockage in Maryland waters.

#### Background

The USS Olympia, a National Historic Landmark, is the oldest extant steel-hulled warship in the world. It served as Commodore Dewey's flagship in the Battle of Manila Bay (1898) which marked the emergence of the U.S. Navy as one of superior power. The cruiser was born out of a program of ships for the "New Navy" of the 1880s and 1890s designed to correct the deficiencies of a weakened and neglected naval force. She is the last remaining ship built during that program and the sole surviving combatant of the Spanish-American War. In 1921, she brought home the Unknown Soldier from World War I.

Currently located at the Independence Seaport Museum, the Museum is seeking a successor party to provide a safe, long-term mooring location and provide the necessary maintenance, repair and safety considerations to keep the vessel open and accessible to the public consistent with the nature and intended use of the vessel. MHT staff have been contacted by Ken Strafer regarding the interest of the Virginia based non-profit organization Save USS Olympia, Inc., working in partnership with Project Enduring Pride, to bring the vessel to the Baltimore Harbor. According to Chris Reith, the Governor's Office has tentatively agreed to support this effort.

The transfer application process includes three phases. The deadline for Phase One, which requires inclusion of a letter of intent and an executive summary application submission, is September 1, 2011. Save USS Olympia, Inc., has requested a letter of support from the Maryland Historical Trust. Trust staff have indicated that the agency will not provide a letter of support favoring any particular applicant competing for the vessel, but would consider the question of whether or not the agency would be willing to accept the required transfer of protective covenants required by the various grant agreements associated with the USS Olympia if it is transferred for permanent dockage to Maryland waters.

V205            Waverly, Howard Co., Tent Appeal

Mr. Day read from the easement, "*Upon any breach of the terms of this easement by grantor, grantee shall have the following rights which shall be cumulative and shall be in addition to any other rights and remedies available to the grantee at law or in equity.*"

The first right that MHT has, alluded to earlier by Mr. Little, is to require the restoration of an easement property to the condition required by this easement, that is, to the condition it was in when MHT accepted the easement or with any changes approved subsequently. Mr. Day continued reading from the easement remedies: "To enjoin in a breach or enforce any convenient hereof by exparte interlocutory and final injunction and to recover damages for any breach." The

prescriptive aspect of the easement is, that if there is a proposal that is denied by the Director, then the appeal from that denial can come to the Board of Trustees. However, when an alteration or change to an easement property is made without prior MHT approval, the only real decision by the Board is: "Is it a breach?" A breach is defined as work that is performed without the approval of the Director of the Maryland Historical Trust.

Photographs of the tent constructed at Waverly without prior MHT approval were provided in the Board packets. Mr. Day also passed around photos of the temporary tents that have been used at the Paca House and Gardens for years. These tents are up for the season and come down for the winter. They may extend the season by adding heaters and dropping the side panels. They are not engaged into the ground, and they do not have concrete footers. It has been proved over and over again that this can be done. At this point MHT has a breach and the easement calls for a reversal of the damage returning it to the condition the property was in prior to this breach having taken place. If MHT does not come up with any acceptable mitigation measures, the easement requires MHT to request that the owner take the property back to what it was prior to the addition of the tent. Waverly is a wonderful venue for catering events and weddings. The County came to the Trust last year and stated that the caterer who operates Waverly built this tent without the County's knowledge. Unlike other tents, the tent's supports are sunk into foundations or footers and anchored into the ground. The County would like to bring up the patio to the level of the back footer that sticks out of the ground, so a flat surface can be created for guests. There are plans for installing 4 air conditioning/condenser units along the back of the tent to provide heating and air conditioning for a year-round venue. When the Trust reviewed this breach, they determined that this structure in the back yard was not in keeping with the context of the property, had become a permanent structure; and because of its size and the permanence of its existence, was not compatible with the historic character of the property. It overwhelms the back of the house. So, basically, the Trust-required mitigation measures are to remove this as a permanent structure, and to allow the County to erect a tent that is not fastened to the ground and can be taken down when the catering season is over. Last year, the caterer attended an easement committee meeting at the Trust and apologized profusely for having done this without permission. The caterer asked the Trust to allow the tent to remain for the rest of his booked season, through October. MHT staff inspected the property at the beginning of this year and found that the tent was still up. At this point it is still a breach, and the Trust still recommends that the tent be taken down and substituted with a temporary structure rather than a permanent structure. Discussion ensued. There are also archeology protections on the property.

Ms. Clara Gouin, Landscape Architect, and Park Planner with Howard County Department of Recreation and Parks, introduced herself and Phil Bryan, Supervisor of Recreational Services with the Howard County Department of Recreation and Parks. Ms. Gouin thanked the Board for allowing them to present their case. She wanted to make sure that there are no wrong impressions that the County did this unapproved work willfully in violation of the easement. Their previous Director, Mr. Gary Arthur, who passed away, had asked the County for financial assistance. Waverly was previously owned by Preservation Maryland. Historically, Waverly was the home of two Governors, John Eager Howard and George Howard. Waverly's Director wanted to rent out the property for various events and weddings. This is a very popular venue and many brides want to be married at a historic setting and gardens. Since a wedding guest list can often include 100 or more guests, the Director did not want all of these people inside

Waverly causing wear and tear. The caterer approached the County and told them he would like to put up a better quality and safer tent. The Director indicated that this sounded good to him. The County did not realize that the proposed tent required these footers. When the County first saw the tent, they knew there would be a problem because Waverly is a historic easement property. At the time MHT's former Easement Administrator Ms. Schminke left, the current Easement Administrator Ms. Skinner had not arrived, and Mr. Day was on vacation. The County immediately met with Mr. Little, and he suggested that they go before the Easement Committee. They then presented their case before the Committee and the caterer told of his plans for the use of the tent. Then Howard County received a letter from Mr. Little indicating that the constructed tent was not approved. However, the caterer had several weddings booked, and the Easement Committee allowed the tent to remain to accommodate them. Ms. Gouin thought the tent had been taken down in the winter but in the spring found it was still up. The Trust asked that the footers be removed. The footers were inserted without the benefit of archeological investigation, and the County thought that removing them would cause more damage to the soil around them. The Director of Recreation and Parks decided to appeal to ask for some alternative to taking the tent down. The letter from the Trust indicated that the tent must come down, and that the County needed to apply for approval of any replacement tent. MHT also required that the County inform the MHT Easement Committee regarding the proposed methodology for removing the footers. Ms. Gouin indicated that the County still wishes to use an up-scale elegant tent so they will have the wedding and special event venue. The income that comes in from these events is very important for funding of maintenance of the structure. Howard County has 20 historic properties with easements that they are trying to maintain.

Ms. Gouin said she has a slightly different interpretation from the Easement Committee's that the Waverly tent is a permanent structure. She believes that Waverly's tent is also designed to be taken down. Ms. Gouin said that she thinks the tent does not overwhelm the mansion because it is shorter in height. The tent is 20 ft. high at its peak and the mansion is 32 ft. high at the chimney level so the tent comes to the second story level. The total mass of the tent is less and the tent area is smaller than the foot print of the building. The tent cannot be seen by visitors arriving at the front of the building. The tent is visible from the northern end of the building. Ms. Gouin showed photographs of the building where the tent is not visible. Due to the findings of the Easement Committee, the County has already agreed not to enlarge the brick patio. The patio was built in 1979 when the County did not own the building. They also will not put in retaining walls, buried electrical cable, or buried air conditioning tubes. Ms. Gouin has inquired if they could have a schedule where they take the tent down just for the three winter months. Taking the tent down costs thousands of dollars, and it requires two days to put the tent up. She asked if the Trust would consider buried tent supports, and the County would examine ways to hide the footers. Mr. Deters asked, if the County takes the tent down, would footers and air conditioning units still be visible. Ms. Gouin said that the caterer said they could use portable air conditioning units. The footers would still be visible. Discussion ensued.

Mr. Day mentioned that Holly Hill had an enormous tent that was anchored into the ground and had a dance floor. When it is removed, it leaves no impact at all. Mr. Day said that at Waverly, even if the tent is taken down, there are still footers and a floor that rises up above the ground. Mr. Little mentioned that at the Paca House the majority of tent posts are anchored to removable

concrete blocks. The three Secretary's Standards that apply to this are General Rehabilitation Standards 2, 9, and 10.

*Standard 2 states that the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

*Standard 9 states that new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

*Standard 10 states that new additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Mr. Day said that it is the permanence of the anchoring system, the flooring system, and the condensing units that make this tent a permanent installation.

Mr. Gibson reiterated that the majority of Ms. Gouin's presentation was related to the photographs indicating that the public could not see the tent. He wanted to know if Howard County owns the property where the trees prevent the tent from being seen by everyone driving up the road. If those trees come down, the tent would be a very visible structure. Mr. Day informed the Board that protection of views only from public roads limits protection of properties under control of Historic District Commissions. However, this is a MHT easement property and all view sheds are protected.

Discussion ensued. Mr. Charlton mentioned that the County could modify their plans and resubmit them. Mr. Azola stated that the damage is done and it is reversible. Mr. Little said that the County recognizes the responsibility to comply with the requirements of the easement. However, Mr. Little said that the caterer is saying that MHT must accommodate this easement to his needs. This is the problem.

Mr. Azola moved, Dr. Luckenbach seconded, the motion determining that the tent is a permanent structure on the Waverly property in breach of the easement. The motion was unanimously approved.

V206R            Right of First Refusal on Cedar Hill, Calvert County

Mr. Turner moved, Dr. Eshelman seconded, and the following resolution was unanimously approved.

**RESOLVED**, by the Board of Trustees of the Maryland Historical Trust, that the Maryland Historical Trust waives its right of first refusal, under the Deed of Easement dated December 14, 1977, to purchase the property known as Cedar Hill, Calvert County, Maryland, on the terms offered to MHT by email dated July 19, 2011 for the purchase price of \$920,000.

V300 Survey, Registration, Community Education & Museums

V301R Approval of FFY2011 CLG Grants – Supplemental Funding Round

Mr. Bernie Callan recused himself since he will be administering the grant to the Maryland Association of Historic District Commissions.

Mr. Kegerise reported that the action is to approve three grants from the Certified Local Government program. This is Federal money passed through for project grants available to the 19 Certified Local Governments in Maryland. The Board approved a round of CLG grants in March. At that time the Trust did not have enough applicants to qualify for all of the available funding, so MHT has held a second round and is recommending grants to Talbot County, Wicomico County, and the Maryland Association of Historic District Commissions.

Mr. Camlin moved, Dr. Eshelman seconded, and the following resolution was unanimously approved:

**FFY 2011 CERTIFIED LOCAL GOVERNMENT  
GRANTS APPROVAL – SUPPLEMENTAL ROUND**

**RESOLVED**, that the Maryland Historical Trust Board of Trustees approves federal FY 2011 Certified Local Government Grants-in-Aid in the amount of up to \$38,750 as set forth below, which have been approved by the State Historic Preservation Officer, contingent on MHT receipt of FFY 2011 Historic Preservation Funds:

1. **Talbot County** – Up to \$22,800 for the survey of historic resources within the Easton Historic District and the development of a Geographic Information System and other digital tools to manage the data.
2. **Wicomico County/Maryland Association of Historic District Commissions**– Up to \$10,000 for the development of training materials and programs for local Historic Preservation Commissions
3. **Maryland Association of Historic District Commissions (on behalf of eligible CLGs)** – Up to \$5,950 to provide educational and training programs for historic preservation commissions.

**BACKGROUND**

At its March 31, 2011 meeting, the Board of Trustees approved CLG Grants-In-Aid in the amount of \$40,170 for FFY2011. These awards left a balance of \$38,750 in awarded funds for FFY2011. Staff announced a Supplemental funding round and solicited applications for the remaining funds. The grants included for approval in this resolution will expend the balance of available funds for FFY2011.

**Special Presentation on 2 Easement Program Positions the MHT Board Has Been Funding**

Mr. Day briefed the Board on 2 easement program positions the MHT Board has been funding. He informed the Board that a small amount of money has enabled the Trust to undertake some

incredibly difficult jobs, not just in the easement program but in other programs of the Trust as well. Amy Skinner, MHT's Easement Administrator, and Melissa Archer, MHT's Easement Inspector, which is one of the positions funded by the Board, presented a power point presentation.

Melissa Archer spoke about the importance of the Easement Inspector position. This past year, she traveled around the state to monitor MHT's easement properties. The easements protect the properties from demolition, neglect, and inappropriate alterations. MHT has 655 easements on 799 properties. Approximately 21% of easements are acquired through bond bills, 41% through MHT grants and loans, 25% as gifts, and 13% through other means, including federal grants and government transfers of surplus property. Maryland has the largest number of easements in the country, and the second largest program is Virginia's.

Amy Skinner described the four point mission of the easement program: to process, administer, monitor, and enforce easements. These goals include the drafting of new easements, coordination and correspondence with staff and constituents, management of easement change/alteration requests, and inspection of all easement properties to ensure compliance. For the majority of the program's 42 year existence, all responsibilities were assigned to one individual, the Easement Administrator, who is responsible for the overall program. This includes: 1) Reviewing all changes/alteration applications, including general Easement Committee support and the creation of packets, agendas, and minutes for Easement Committee meetings every 3 weeks; 2) Serving as the main communicator for the program and receiving a high volume of email and telephone correspondence as well as weekly on site meeting requests; 3) Processing new easements resulting from bond bills and gifts as well as monitoring current easement properties through inspections.

Since its creation in 2009, the position of Easement Processor has been responsible for producing all new historic preservation easements, including a significant backlog, in coordination with the MHT staff and the Office of the Attorney General. Prior to creation and funding of the Easement Processor position, bondbill/gift easement, grant, and loan staff were responsible not only for their individual program duties but also easement production for their respective programs. This created several issues: As easement production did not directly relate to their main responsibilities, easement processing and correspondence was delayed. This delay caused significant strain not only on MHT staff but on future easement property owners, as many local, state, and federal funds are not disbursed until recordation of a deed of easement. In 2009 there were 45 backlogged easements, and it took approximately 12-16 months from initial contact to complete and record new easements. Since then, the Easement Processor has recorded approximately 30 easements. The completion time has been reduced to 9 months. In addition to the delayed process, MHT staff's inability to respond to "status update" requests resulted in an acrimonious relationship with future easement property owners prior to recording the easement. Now, the Easement Processor is the main point of contact for all new easements, and can provide accurate updates. Another issue was the processing of inaccurate materials or incomplete easements, as these staff members were not trained to review Certificates of Title and other legal documents. The Easement Processor is the expert and is now able to respond for MHT.

The Easement Inspector, Melissa Archer, began her position in the fall of 2010. The position had not existed since 2008, and prior to that, had only been in existence for 2 ½ years. The Easement Inspector's main responsibility is to monitor and ensure compliance with properties under easement. Prior to creation and funding of the Easement Inspector position, inspections took place as part of site visits or meetings where the focus was not on the monitoring of property changes/alterations already made without approval, but on proposed future changes. As a result, many potential breaches were missed, unidentified, or incorrectly identified. The main responsibility of the Easement Inspector position is to inspect easement properties thoroughly and review all MHT files for MHT to make breach determinations. In 2009, 45 site inspections/on site meetings took place. So far in 2011, the Easement Inspector has completed 107 inspections (not counting meetings and site visits). Previously, inspections were often "drive by" with no prior notification to the owner. This practice potentially violated a clause in the Deed of Easement where it states "reasonable notice" or a specific amount of notice is required. These drive by inspections were counted as "full inspections" but were often lacking documentation and follow up. Now the Easement Inspector makes several verbal and written contact efforts prior to scheduling inspections and prepares ample photographic documentation and field notes. Breaches were only identified on the occasional site visit or from observation by another party. Once unauthorized changes/alterations were identified, correspondence with the owner and further documentation often involved long delays. Those property owners who did respond, because of the Trust's lack of response were left with a false sense that the issue had been resolved. Currently there are 24 old breaches outstanding and 40 new breaches since. The current Easement Inspector has created and is responsible for implementing a new breach procedure which requires monthly easement breach subcommittee meetings and correspondence with owners in a timely manner.

The Easement Administrator is responsible for the entire program. Prior to creation and funding of both the Easement Inspector and Processor positions, the Easement Administrator had to balance the inspection and processing tasks, and this left the Administrator with little time to review applications for changes/alterations prior to the Easement Committee meetings. Now the Easement Committee meetings last half as long, and few applications are deemed incomplete by the Committee because answers to questions are resolved at the staff level before the meeting. This year the Easement Committee has reviewed 152 requests for approval of changes/alterations. Juggling these tasks made keeping up with correspondence to constituents very difficult and many requests for advice went unanswered. Now 95% of correspondence is answered within a week, providing technical advice and guidance. Conceptual reviews are provided as a courtesy for potential homeowners, to ensure early communication with them about the program.

When Melissa Archer, Easement Inspector, came on board in September 2010, there were 73 properties that had not been inspected in ten or more years. Another common problem with such infrequent inspections was that MHT did not keep up with changes in ownership. Many of these properties have been sold, and chances were that MHT was not notified of the sale. With an Easement Inspector on staff, MHT can put the properties on a 5 year inspection rotation. This amounts to 150 inspections a year. By increasing inspections, MHT will increase awareness of the program, build relationships, and decrease the number of violations. Since September Ms.

Archer has conducted 148 inspections, identified 40 breaches (26 breaches have been resolved and 14 remain).

Discussion ensued. The violations vary in severity from something minor such as satellite dishes to more troublesome alterations such as large additions. The most common unauthorized alteration is the replacement of historic wooden windows. Ms. Archer mentioned that many of the new home owners do not understand that there is an easement on their property. The most difficult breach to resolve is deterioration from neglect.

Ms. Skinner, Easement Administrator, reported that with the three positions filled, the Easement Program has made some strides in the past year: 1) Cleaning up 40 years of backlogged paperwork; 2) Sending 110 old easements to the Hall of Records; 3) Recording 30 new easements; 4) Reviewing 152 proposed changes/alterations; 5) Inspecting 107 properties; 6) Creating a summary sheet for each easement folder; 7) Drafting new breach, grant easement, and MET coordination procedures; 8) Mailing an annual program information letter; and 9) Increasing the public visibility of the Easement Program.

Ms. Skinner commented that the Easement Inspector and Processor positions are vital. There are currently 67 easements under development and 156 "status unknown" easements yet to be reviewed and closed out. The Easement Inspector still needs to visit 657 properties.

Discussion ensued. Mr. Edson informed the Board that there is an article in the Washington Post about an organization in Washington that entices people to donate easements, stating that the donor will receive huge tax deductions. MHT has not accepted any gifted easements recently. Mr. Little reported that the group mentioned in the paper is the National Architectural Trust. Ms. Harbeson said that they have recently changed their name. Mr. Deters related that they have focused on obtaining façade easements in DC where the exteriors of properties in locally designated historic districts are already protected by the Historic District Commission. It is questionable if there is any value to these easements. Discussion ensued. Mr. Gibson commented that it might be helpful to identify the different breaches by type of breach. Mr. Deters said that the easement creation function, administration function, and monitoring function are critical. Mr. Little mentioned that the Trust has a strong weapon at its disposal and that is that every single easement has provisions in it that state what happens if work is done without prior approval. The easement states specifically that, unless the Trust agrees to another solution, the property must be returned to its pre-breach condition. If the easement breach cannot be resolved, MHT may sue for injunctive relief requiring the owner to return the property to the condition required by the easement.

### **MHT Awards Ceremony**

Mr. Wetherill mentioned that the Trust has an outstanding awards program each year held in conjunction with Preservation Maryland. It occurred to him that the Trust needs to start getting the word out to legislators about the Trust. Mr. Wetherill said that the awards program could stand alone and be held next year in January in Annapolis. He suggested this would be a convenient time for legislators, and he thinks they would attend, particularly those from districts in which awards are received. MHT would have a somewhat different audience than in the past,

and would no longer be connected to the May Preservation and Revitalization Conference. Mr. Little and Ms. Hughes were very interested in this idea, and said they thought the staff could do this. Discussion ensued.

Mr. Gibson mentioned that there are a lot of events scheduled for legislators in January, and he also reminded the Board of the inclement weather in January. Ms. Harbeson said Preservation Maryland would be sorry to lose the Awards Ceremony because they can count on those people also attending the conference. It was surprising to her to hear that few people from the Conference have attended the Awards Reception. Ms. Harbeson mentioned that legislators could walk to the Awards Ceremony. Mr. Little talked with the Protocol Committee of the General Assembly, and said that the Trust can set a date within the next week or so. Mr. Wetherill would like to schedule the Ceremony in the Miller Senate Office Building which is convenient for the legislators. Mr. Little also recommended that they could consider the Lowe House Office Building or a site at St. Johns College.

Mr. Edson made a motion, seconded by Mr. Charlton, to hold a Maryland Historical Trust Awards Ceremony in January 2012 in Annapolis. The motion was unanimously approved.

The meeting adjourned at 1:35 p.m.

Harrison Wetherill, Chairman

J. Rodney Little, Director

