

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

Thursday, October 18, 2018 at 10:00 AM
Jefferson Patterson Park and Museum, 10515 Mackall Road, St. Leonard, MD

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust (MHT) was held at Jefferson Patterson Park and Museum, 10515 Mackall Road, St. Leonard, Maryland.

Trustees present: Mmes. Ernstein, Filkins, Linder, Mears, and Paca; Messrs. Alberg, Edson, Feldstein, Neall, Parker, Poffenberger.

Area Representatives present: Mme. Uunila; Messrs. Brown, Charlton, Spikes, and Stek,

Maryland Department of Planning: Robert McCord, Secretary.

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

MHT Staff: Elizabeth Hughes, Kathy Monday, Anne Raines, Rachele Green, Ed Chaney, Michael Day, Kate Bolasky, Allison Luthern, Charlotte Lake, Collin Ingraham, Marcia Miller, and Heather Barrett.

Guests: Dale Green, Michael Kent, Chanel Compton, Edwin Johnson, Malcolm Funn, Cheryl McCloud, Clarence Woods, Liz and Todd Gorszer, Jay Moore, Robert Parker, Carl Berenholtz, John Zebelean, Jay Barringer, and Jim and Christina Dunbar.

I1 CALL TO ORDER

Mr. Poffenberger, Chair, called the meeting to order at 10:12 a.m. A quorum of Trustees was present.

Mr. Poffenberger welcomed Dr. Barbara Paca to her first meeting of the MHT Board of Trustees and invited Board members to introduce themselves.

Mr. Poffenberger thanked Area Representative Kirsti Uunila for organizing a tour of Linden, the home of the Calvert County Historical Society, and an evening meal at Heritage 485 for visiting Board members.

I2 APPROVAL OF MINUTES

Mr. Feldstein made a motion, seconded by Mr. Parker that the July 19, 2018 minutes be approved as submitted. The Board voted unanimously to approve the minutes.

Mr. Spikes made a motion, seconded by Ms. Linder that the September 10, 2018 Board teleconference meeting minutes be approved as submitted. The Board voted unanimously to approve the minutes.

I3 PUBLIC COMMENT

Mr. Poffenberger invited members of the public to provide comment.

Clarence Woods, Liz Groszer, Jay Moore, Robert Parker, Carl Berenholz, John Zebelean, and Jay Barringer addressed the Board regarding their concerns about the removal of the Baltimore City Confederate monuments on which MHT holds an historic preservation easement.

I4 COMMITTEE REPORTS

I100 Capital Programs

I101R African American Heritage Preservation Grant Awards

Dale Green, Chairman of the Maryland Commission on African American History and Culture, and MHT staff member Charlotte Lake presented funding recommendations for the African American Heritage Preservation Grant Program. The program, created during the 2010 session of the Maryland General Assembly, is administered as a joint partnership of the Maryland Commission on African American History and Culture (MCAAHC), a unit of the Governor's Office of Community Initiatives, and the Maryland Historical Trust (MHT), an agency of the Maryland Department of Planning (MDP). The purpose of this Program is to encourage the identification and preservation of buildings, sites, and communities of historical and cultural importance to the African American experience in Maryland.

Thirty-five eligible grant applications were received by the July 1, 2018 deadline. The total funding request was \$3,041,000; the majority of the funding requested was for rehabilitation, with the remainder for predevelopment or new construction costs. Applications represented 16 counties and the City of Baltimore. Eleven projects are recommended for full funding and one for partial funding for a total of \$1,000,000.

Mr. Green reported that the MCAAHC has evaluated, ranked, and recommended funding levels for eligible applicants in accordance with the program project selection criteria. Once the Board has taken action on these funding proposals, the recommendations will be forwarded to the Secretary of the Maryland Department of Planning for final approval. Mr. Green and Ms. Lake then presented the projects that were being recommended for funding.

Mr. Edson made the following motion, which was seconded by Ms. Uunila. The motion was approved unanimously by the Board.

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation to fund those projects in the (i) A=Recommended for Funding category and (ii) AR=Recommended for Funding should Additional Funds become Available category, as further described in Exhibit A

(African-American Heritage Preservation Grant Chart for Fiscal Year 2019) to the Secretary of the Maryland Department of Planning; and

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation to the Secretary of the Maryland Department of Planning to maintain a reserve of \$55,121.92 to be used for emergency project grants during FY2019.

I102R Historic Preservation Easement Program: Proposed Changes to Easement Conveyance Requirements

Ms. Hughes reminded the Board that in the 2018 Joint Chairman's Report (pages 25-26), the General Assembly directed the Maryland Department of Planning to work with the Maryland Department of Budget and Management and preservation advocates to identify a sustainable strategy for the long-term administration of MHT's historic preservation easement program. This strategy was to address recommendations regarding new easement acceptance policies.

Ms. Hughes noted that the MHT easement portfolio has grown substantially over the five decades since MHT took its first easement in 1969. In recent years, MHT has limited the number of new easements, chiefly by crafting more restrictive criteria for acceptance of new easements arising from bond bill easement requirements, and by changing MHT's African American Heritage Preservation Program (AAHPP) statute and regulations to limit new easements required through that grant program. Currently, MHT takes 10 or fewer easements per year.

However, as further explained by Ms. Hughes, current statute, regulations, and policies still result in MHT being required to take more perpetual easements than may be in the agency's best interest, particularly given the substantial workload associated with responsible easement administration. While MHT remains committed to protecting Maryland's built heritage and archeology through its easement program, perpetual easements are only one of many tools which may be used to accomplish this goal. MHT needs greater flexibility in deciding when an easement is the appropriate preservation instrument, in determining what the term of the easement should be, and in bringing future easements more in line with the practices of other easement-holding SHPOs.

Ms. Hughes stated that over the past several months, a working group of MHT's Board of Trustees consisting of Joshua D. Brown, G. Bernard Callan, Dr. Julie Ernstein, Sarah Kunkel Filkins, Brien Poffenberger, and Kirsti Uunila has collaborated with MHT staff to examine the statutory, regulatory, and policy context through which MHT accepts easements. In addition, the working group has reviewed the practices of other easement holding entities, including sister state agencies, non-profit organizations, and SHPOs across the country. This analysis has led to the recommendation of a series of changes to MHT easement program policies, grant and loan regulations, and bond bill easement requirement policies, with the goal of reducing the number of perpetual easements accepted by MHT while maintaining a standard of ongoing protection of state investments comparable to practices followed by other easement-holding SHPOs. The proposed changes were distributed to Board members for review and consideration.

Board members discussed the advantages and disadvantages of the proposed policy changes, expressing their support for this critical historic preservation tool and concern about program resource needs.

Mr. Feldstein made the following motion, which was seconded by Mr. Parker. Mmes. Ernstein, Filkins, Mears, and Paca and Messrs. Feldstein, Edson, Alberg, and Parker voted in favor of the motion. Ms. Linder voted against the motion. The motion carried.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves of the implementation by MHT staff of changes to the MHT Historic Preservation Easement Program easement conveyance requirements, as detailed in Attachment I. This includes approval of such (i) changes to applicable MHT policies and procedures and (ii) amendments to statute and regulation as are appropriate and necessary to affect these changes.

I103 Historic Preservation Easement Program: Discussion of Draft Report and Preservation Advocate Survey

Ms. Hughes reported that the Easement Program report required by the General Assembly is to address not only potential changes to easement program conveyance requirements but also changes to program staffing, and the potential dissolution or modification of existing easements. In addition, the General Assembly requested that background information on the history of the program, detailed data on the number of properties protected under easement, vacancy rates of properties under easement, funding history, staffing history, and the experience of neighboring states in administering similar programs be included in the final report.

Ms. Hughes reported that MHT staff met with Department of Budget and Management analyst Jeannette Fernandez to launch development of this report in late April. During May and June, MHT staff conducted outreach to historic preservation easement holding agencies in Maryland and across the country to identify best practices, reviewed fifty years of MHT Board meeting minutes to document the history and evolution of easement program policy development, carried out an in-depth analysis of the agency's easement portfolio, reviewed easement property vacancy rates. MHT staff solicited input on the historic preservation easement program during a series of statewide preservation planning listening sessions and focus groups and by means of an online survey to non-profit preservation organizations, certified heritage area directors, and historic preservation commissions.

MHT staff solicited public input on the MHT historic preservation easement program during a series of statewide preservation planning listening sessions and focus groups that took place throughout the summer. In addition, an online survey was distributed to Maryland non-profit preservation organizations, certified heritage area directors, and historic preservation commissions, courtesy of MAHDC. The results of that survey and a copy of the overall draft reports was distributed to Board members for review.

I200 Survey, Registration, Community Education & Museums
I201R Technical Update No. 1 of the Standards and Guidelines for Archeological
Investigations in Maryland: Collections and Conservation Standards

Mr. Chaney, Deputy Director of the Maryland Archeology Conservation (MAC) Lab, explained that the purpose of the standards and guidelines being presented to the Board today is to ensure the long-term preservation of the State's archaeological heritage. In 1999, the MHT Board of Trustees adopted *Technical Update No: 1: Collections and Conservation Standards* (the "Technical Update"), which was last revised on March 17, 2005 and approved pursuant to Resolution H301. The Technical Update represented an expansion of the collection and curation guidelines originally published in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994).

Since the last revisions were made to the Technical Update, staff at the MAC Lab has had opportunities to evaluate the current document. After consulting with Maryland Historical Trust staff, the Maryland Advisory Committee on Archeology, and outside consultants including archaeologists, conservators and curators, the MAC Lab staff recommends the following revisions to make the Technical Update easier to understand and implement, and to clarify certain procedures:

1. Changes in some artifact processing, labeling and storage procedures.
2. Addition of guidance on budgeting for conservation and prioritizing artifacts for treatment.
3. Addition of guidance on preparing paper and digital records, including a new file naming protocol.
4. Reformatting, plus the addition of illustrations that provide clear-cut direction on curation and conservation procedures.

Ms. Uunila made the following motion, which was seconded by Mr. Feldstein. The motion was approved unanimously by the Board.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the amended Technical Update No: 1: Collections and Conservation Standards incorporating the revisions outlined below.

I202R Archaeological Curation Box Fee Policy

Mr. Chaney explained that the archaeological curation fee policy was originally set forth in *Technical Update No. 1 of the Standards and Guidelines for Archeological Investigations in Maryland: Collections and Conservation Standards*, implemented in 1999, as revised in 2005. The purpose of the standards and guidelines is to ensure the long-term preservation and accessibility of Maryland's archaeological collections. The State of Maryland has made a substantial commitment to the preservation of its collections through the construction and continued support of the MAC Lab at Jefferson Patterson Park and Museum (JPPM), the official repository for the archaeological collections of MHT. The State of Maryland pays the majority of the costs associated with the perpetual curation of these collections, which costs include

curation staff salaries, archival supplies, and building utilities and maintenance. The current box fee policy provides for the charge of a one-time fee per box to offset the initial costs of curation. Since 2005, the box fee has been set at \$350. An increase of the fee to \$600 is requested because as the MAC Lab been absorbing increasing costs since 2005 (e.g. for materials, supplies, and staff salaries, including the collections assistant position). If approved, the increased fee would become effective for archaeological projects budgeted after January 1, 2019.

The box fee policy provides that the box fee revenues are deposited in the MHT non-lapsing special fund account as supplemental income designated for use in management activities directly related to MHT's archaeological collections.

Dr. Ernstein made the following motion, which was seconded by Mr. Alberg. The motion was approved unanimously by the Board.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the revised Archaeological Curation Box Fee Policy by the Maryland Historical Trust Board of Trustees, effective as of January 1, 2019, increasing the Archaeological Curation Box Fee collected by the Maryland Archaeological Conservation Laboratory from \$350 to \$600 per box.

I203 JPPM Report

Deferred due to time constraints.

I204 MAC Lab Travel Report

Deferred due to time constraints.

I205 Non-Capital Historic Preservation Grants Report

Ms. Barrett reported on the status of the Non-Capital Historic Preservation Grant Program, which supports a wide variety of research, survey, planning, and educational activities. The Maryland General Assembly appropriated \$300,000 in funds for the FY19 grant cycle which had a deadline of October 1, 2018. Twenty-one grant applications were received by the due date totaling \$836,604.80 in funding requests. Information about those requests is more fully described in a grant chart distributed in the Board meeting packet.

Ms. Barrett explained that due to a grants software migration issue, staff elected to move the original application deadline from August 14, 2018 to October 1, 2018, which impacted staff's ability to review and rank applications in advance of the Board's October 18th board meeting. Instead, a committee of MHT staff will evaluate, rank, and recommend funding levels for eligible applicants in accordance with the Program's project selection criteria on October 22nd. In late October, staff will provide recommendations to the Board's Executive Committee for their review and concurrence. MHT will seek final to complete approval and award of grants by the Secretary of the Maryland Department of Planning by mid-November 2018.

I300 Management & Planning
I301 Budget and Legislation - Report

Ms. Hughes reported that the Maryland Department of Planning Capital Budget hearing took place on September 18th. Capital budget items include funding for the Capital Historic Preservation Grant Program, African American Historic Preservation Grant Program, and capital projects at JPPM including construction funding for the Patterson House rehabilitation project in FY20 and design funding for the expansion of the MAC Lab in FY20.

The MDP operating budget hearing is scheduled to occur on November 1.

I302 Litigation & Legal Issues

Mr. Cucuzzella indicated that there are no litigation or legal issues to report at this time.

Announcements

Nomination forms for the MHT Board of Trustees annual Historic Preservation Awards have been distributed. The application deadline is November 9, 2018.

Meeting adjourned at 1:15 PM.

Mr. Brien Poffenberger, Chair

Elizabeth Hughes, Director