

MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING
Thursday, October 20, 2022 at 10:00 AM

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held at the Water's Edge Museum at 101 Mill Street in Oxford, Maryland.

Trustees present: Shelia Bashiri, Jeffrey Buchheit, Laura Davis Mears, Barbara Paca, Samuel J. Parker, Jr., Franklin A. Robinson, Jr.

Trustees participating virtually: Joshua D. Brown, James Delgado, Julie Earnstein, Albert L. Feldstein, Sarah Kunkel Filkins, and J. Rodney Little.

Area Representatives present: W. Dickerson Charlton, Lisa Sasser, and Harry T. Spikes, II.

Area Representatives participating virtually: Dean R. Camlin, Sakinah Linder, Douglass C. Reed, and Kirsti Uunila.

Ex Officio members present: Delegate Gilchrist.

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

Office of the Attorney General: Rieyn DeLony, Adam Snyder.

MHT Staff: Gregory Brown, Elizabeth Hughes, Collin Ingraham, Kate Jaffe, Ivy Weeks, Anne Raines, Nell Ziehl, Kathy Monday, Marcia Miller, Matt McKnight, Heather Barrett, Rod Cofield.

Guests: Terry Klima, John Zebelean, Dennis DeShields, Kat De Shields, Ree Joseph, Alimerv Proctor, Natalie Snyder, Phillip Logan.

AGENDA

D1 CALL TO ORDER

Chair Laura Mears called the meeting to order at 10:08 AM. Chair Mears welcomed Rod Cofield, the newly installed Director of Jefferson Patterson Park and Museum, to MHT and asked everyone to introduce themselves.

Ms. Mears thanked Dr. Barbara Paca for hosting the Board meeting at the Water's Edge Museum. Dr. Paca and Eryka "Ree" Joseph, Managing Director of the Museum, provided welcoming remarks and shared information about the Museum's Maryland Spirituals Initiative.

D2 APPROVAL OF MINUTES

Mr. Robinson asked that the minutes be corrected to show that the meeting took place at the Port Tobacco Courthouse. Mr. Parker made a motion, seconded by Mr. Robinson, to approve the July 21 meeting minutes with corrections. The Board voted unanimously to approve the minutes.

D3 PUBLIC COMMENT

Mr. Klima, speaking on his own behalf, expressed his opinion that the Trust has failed to protect the Confederate monuments that were recently vandalized, and his dissatisfaction with the actions the Trust has taken to protect the monuments and their plinths, to secure the monuments, and to protect the historic properties.

Mr. Zebelean, speaking on his own behalf, expressed his concern that there has been no public access to these monuments for five years. He is concerned about what sort of safety the monuments will have in Los Angeles and what will prevent water from entering the inside of the bronze statues and causing corrosion. He implored the Trust to protect these veterans' monuments.

D4 COMMITTEE REPORTS

D100 Capital Programs Committee

D101R African American Heritage Preservation Program Grants

Ms. Ivy Weeks provided an overview of the history and purpose of the African American Heritage Preservation Grant Program which is administered as a joint partnership of the Maryland Commission on African American History and Culture (MCAAHC) and MHT. She reported that forty-eight eligible grant applications were received by the program's July 1, 2022 deadline. The total eligible funding request was \$4,231,000; the majority of the funding requested was for rehabilitation, with the remainder for predevelopment or new construction. Applications represented 15 counties and the City of Baltimore.

Eleven projects were recommended for full funding and three projects were recommended for partial funding, for a total of \$1,000,000. The MCAAHC evaluated, ranked, and recommended funding levels for eligible applicants in accordance with the program project selection criteria. Ms. Weeks presented the Commission's funding recommendations to the MHT Board of Trustees for action. She explained that following the Board's action, the recommendations will be forwarded to the Secretary of the Maryland Department of Planning for final approval.

Ms. Linder inquired if geographic distribution was considered in the grant awards process. Ms. Weeks responded that this is one of the grant rating and ranking criteria.

Mr. Buchheit asked why MHT intended to take easements on only two of the projects recommended for funding. Ms. Raines explained that the AAHPP program regulations allow MHT to take easements only on those properties that are individually listed or eligible for listing on the National Register of Historic Places. This criterion has significantly reduced the number of properties on which MHT requires an easement conveyance. Ms. Raines also noted that

changes to MHT’s easement conveyance requirements, approved by the Board in 2018, mean that all new AAHPP easements are now term easements.

The following motion was made by Mr. Robinson, seconded by Mr. Spikes, and approved unanimously, with the exception of Dr. Paca who abstained.

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 fund those projects in the “A=Recommended for Funding” category, as further described in Exhibit A (African-American Heritage Preservation Grant Chart for Fiscal Year 2023); 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 \$14,545.17 to be used for emergency project grants during FY2023.

D200 Survey, Registration, Community Education & Museums Committee

D201R Historic Preservation Non-Capital Grant Awards

Dr. Matt McKnight and Ms. Heather Barrett reported that in FY2023, funding totaling \$300,000 has been distributed from the Maryland Heritage Areas Authority Financing Fund to the Maryland Historical Trust to be awarded as Historic Preservation Non-Capital grants. For this funding round, grant requests were capped at \$75,000.

If additional funding becomes available, and depending on the amount of such funds, the Program will determine whether to grant the funds to the one project listed on the Chart as “**Recommendation: Reserve List**,” or grant the additional funding to the FY23 Partial Funding projects, up to the amounts shown in the “Requested Amount” column on the Chart. If the Program elects to grant additional funds to the Partial Funding projects, these projects will receive additional funding in the order in which they appear on the Chart. No additional approvals from the Board will be required to provide additional funds.

This year, MHT assigned greater weight to projects that addressed this funding round’s focus on poorly documented regions of the State; comprehensive architectural, archaeological, and cultural resource surveys; the study and documentation of threatened resources, especially those susceptible to increased flooding and coastal erosion; and documentation of underrepresented themes, communities, and resource types. These funding priorities were explained in MHT’s grant application materials for FY23 Program funds.

Twenty-three grant applications were received by the August 1, 2022 deadline. The total funding request was \$991,051.41. Submitted applications represented one statewide project, twelve counties, and Baltimore City.

A committee of MHT staff has evaluated, ranked, and recommended funding levels for eligible applications in accordance with the Program's regulatory selection criteria and the funding priorities. Recommended grantees are listed in the order of their ranking, and represent one statewide project, eight counties, and Baltimore City.

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

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning the award of MHT Historic Preservation Non-Capital grants to those projects described in **Exhibit A** (MHT Non-Capital Program Approved Grant Chart for Fiscal Year 2023) attached to this Resolution (the "**Chart**").

D202R Heritage Preservation Fund: Additional Project Selection for FY2023

Ms. Raines reported that, based on calculations made according to the Maryland Heritage Preservation Fund Disposition Policy, the Board still has funds available for Heritage Preservation Fund projects totaling up to \$70,813.78 in fiscal year 2023. Staff have submitted funding requests for projects totaling \$67,592.17. These project applications have been reviewed by the Board's Survey, Registration, Community Education, and Museums Committee and all are recommended for funding.

The following motion was made by Ms. Uunila, seconded by Ms. Filkins, and approved unanimously.

RESOLVED, by the Board of Trustees of the Maryland Historical Trust that an expenditure of up to \$67,592.17 from the MHT Heritage Preservation Fund in fiscal year 2023 to support the following projects is approved:

- Up to \$20,000 for MHT Staff Training Activities;
- Up to \$500 for MHT Staff Recognition Awards;
- Up to \$6,000 for 2023 MAC Lab Public Archaeology Internship;
- Up to \$2,345 for MAC Lab RTI Dome;
- Up to \$1,000 for Architectural Fieldwork Symposium;
- Up to \$11,396 for Survey Quality RTK UAV Drone Kit Acquisition;
- Up to \$24,351.17 for JPPM Gator with Plow; and,
- Up to \$2,000 for JEDI Engagement/Facilitation.

D203 Easement Acceptance Policy Revisions

Ms. Raines reported that MHT has been directed to prepare a Joint Chairmen's Report (JCR) by December 31, 2022, which focuses primarily on MHT's easement acceptance and termination practices. The report requests: (1) a list of current easements held by MHT, along with termination date; (2) the process by which MHT evaluates properties for easements; and (3) an evaluation of the impact that easements have on the viability of projects. Regarding (1), Ms. Raines noted that the report will reflect that not all easements are eligible for termination per

Board policy. Regarding (2), she noted that MHT staff are working on addressing issues specific to determining archaeology coverage in new easements, and that counsel are working on a revision of the easement acceptance policy and easement committee policy, as well as an evaluation of existing and needed Board actions and delegations to implement those policies. She noted that the 2018 easement working group, consisting of Board members and staff, will reconvene to discuss these issues in greater depth next week, and that the revised policies and delegations will be on the Board meeting agenda in December.

Discussion followed regarding how MHT determines whether an easement is the best protection mechanism for a historic property, how many perpetual easements are held by MHT, and how difficult it is to terminate a perpetual easement.

D204 Bellevue Passage Presentation

Dr. Dennis DeShields and his daughter Ms. Kat DeShields made a presentation to the Board on their work to preserve Bellevue, a historic African American maritime community located along the Tred Avon River, which is being threatened by development. The DeShields discussed the ongoing development of the Bellevue Passage Museum which is planned to provide an immersive education experience in African American history, and the Black Life in Bellevue Field School, a partnership with Washington College's Center for Environment and Society. The summer field school is supported by the Vernacular Architecture Forum and the University of Virginia School of Architecture through funding provided by the Andrew W. Mellon Foundation. Ms. Ally Proctor, of the Water's Edge Museum, spoke about her experience as a participant in the summer field school.

D300 Management & Planning Committee

D301 Investment Committee Report

Mr. Little reported on the most recent meeting of the MHT Board Investment Committee. He reported that Brown Advisory is working to maintain balance in the Board's portfolio, keeping in mind that foreign investments may be more subject to increases in energy costs and other pressures than US investments. Related to fund performance, Brown Advisory noted that although overall performance is down both with bonds and equity funds, they do not recommend any major changes, and emphasized taking the long view.

D302 Budget & Legislation

Ms. Hughes reported that the Capital Budget Hearing with the Department of Budget and Management took place in September and went smoothly. There will be no Operating Budget Hearing this year. The Governor's FY2024 budget will not be available until early January 2023.

Mr. Parker inquired if MHT was seeking to hire additional staff to support the agency's growing programs. Ms. Hughes indicated that additional staffing was being sought to support the Patterson House project in the agency's FY24 operating budget submittal. Additional

contractual staff are expected to be hired to support the Historic Revitalization Tax Credit Program provided program fees will support those additional staff positions.

Ms. Hughes reported that MHT will not be sponsoring any legislation in 2023.

D303 Litigation & Legal Issues

Mr. Snyder reported that the Court of Appeals had denied certiorari in the *Ransom* litigation involving the excavation of four test pits in the foundation of a Fells Point building protected by an MHT easement.

Ms. Mears noted that it would be necessary to go into closed session pursuant to General Provisions Article Section 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

As permitted by the Open Meetings Act, Annotated Code of Maryland, General Provisions Article, Section 3-305(b)(7), Mr. Robinson made a motion, seconded by Mr. Parker, that the Board go into closed session to consult with counsel to obtain legal advice regarding the ongoing litigation in *Maryland Division Sons of Confederate Veterans, Inc. v. MHT*, Circuit Court of Baltimore City. The motion was approved unanimously.

The Board returned to open session. During the closed session, the Board heard from Mr. Snyder and Ms. DeLony about the ongoing *Sons of Confederate Veterans* litigation.

Meeting adjourned at 1:02 pm.