

**MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING**
Thursday, May 12, 2022 at 10:00 AM

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held in the MHT Board room at 100 Community Place in Crownsville, Maryland.

Trustees present: Mmes. Bashiri, Filkins, Mears, and Paca; Messrs. Buchheit, Feldstein, Little, Neall, Parker, and Robinson.

Area Representatives present: Mmes. Sasser and Uunila; Messrs. Azola, Camlin, Charlton, Reed, and Stek.

Ex Officio members present: Senator West and Delegate Gilchrist,

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

Office of the Attorney General: Paul Cucuzzella, Rieyn DeLony, and Adam Snyder

MHT Staff: Andrew Arvizu, Liz Casso, Barbara Fisher, Collin Ingraham, Kate Jaffe, Elizabeth Hughes, Matt McKnight, Whitney Mahl, Marcia Miller, Kathy Monday, Anne Raines, Patricia Samford, Zachary Singer, Casey Squyres, Ivy Wells, and Nell Ziehl.

Guests: John Dunbar, Confederate Memorial Association; Liz Groszer, John Zebelean, and Clarence Woods.

AGENDA

B1 CALL TO ORDER

Chair Laura Mears called the meeting to order at 10:06 AM.

The Board welcomed new staff members to MHT and congratulated existing MHT staff who have been promoted to new positions.

B2 APPROVAL OF MINUTES

Mr. Camlin made a motion, seconded by Mr. Reed, that the March 10, 2022 open meeting minutes be approved as submitted. The Board voted unanimously to approve the minutes.

Mr. Robinson made a motion, seconded by Mr. Reed, that the March 10, 2022 closed meeting minutes be approved as submitted. The Board voted unanimously to approve the minutes.

B3 PUBLIC COMMENT

Mr. Jim Dunbar, Chair of the Confederate Memorial Park located in St. Mary's County,

commented that Senator West had reached out to him in November of 2020 to inquire if their organization would consider acceptance of the Baltimore City Confederate Monuments for display on their property. He reported that the governing board of the Confederate Memorial Park met and voted in favor of accepting the Baltimore City Confederate Monuments at their site. He reported that the site consists of 7 acres, provides public access, and has an excellent security system.

Ms. Liz Groszer commented that the Baltimore City Confederate Monuments are priceless works of art that should not remain disassembled and inaccessible to the public. She expressed concern about conservation of the statues as well as the plinths. She expressed disappointment that MHT had not made progress towards upholding the terms of the easement. She stated that moving the monuments out of state and separating the statues from their bases was not appropriate and would deny the citizens of Maryland access to the monuments.

B4 COMMITTEE REPORTS

B100 Capital Programs Committee

B101R Capital Historic Preservation Grants

Barbara Fisher, Capital Grant Administrator, presented an overview of the Capital Historic Preservation Grant Program and staff funding recommendations. She reported that thirty-nine eligible applications and two ineligible grant applications were received by the March 15, 2022, deadline. The total funding request was \$3,159,750. Most of the funding requested is for rehabilitation, with the remainder for restoration, acquisition, or predevelopment costs. Applications received represent 19 counties and Baltimore City.

Mr. Parker asked if the changes in the scoring system resulted in changes in what types of projects scored high enough for funding. Ms. Fisher indicated that the increase in point values for “community impact” allowed more resources associated with underrepresented communities to score higher in the rating and ranking process.

Mr. Stek inquired if the number of grant applications had increased this year. Ms. Fisher responded that while the amount of funding requested had increased, the number of grant applications remained about the same.

Mr. Buchheit asked if projects on the reserve fund list are funded in the order that they appear. Ms. Fisher responded in the affirmative.

Mr. Charlton inquired if staff will be reaching out to unfunded applicants once the grant awards are announced. Ms. Fisher responded that staff will follow up with these applicants and will advise them regarding how to strengthen their applications for next year.

Ms. Filkins commented that she participated in the Capital Programs Committee review of the capital grant applications and complimented MHT staff for going out of their way to make the application process user-friendly for applicants.

The following motion was made by Mr. Little, 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 Historic Preservation Capital Grants to those projects described in **Exhibit A** - Historic Preservation Capital Grant Program - Grant Chart - FY 2022 (the “Chart”).

B102 Monument Relocation Committee Working Group

Mr. Robinson, Chair of the Monument Relocation Committee Working Group, reported that MHT received a letter from Baltimore City Mayor Brandon Scott dated April 4, 2022 which indicated the City’s desire to loan the three confederate monuments under MHT easement to LAXART for inclusion in its upcoming “Monuments” exhibit. An easement change/alteration request was subsequently received and reviewed by the MHT Easement Committee. The Committee is recommending that the Director approve of the request. If approved, a loan agreement would be executed between Baltimore City and LAMOCA (Museum of Contemporary Art, Los Angeles), acting on behalf of LAXART, which would address the terms of the loan in the summer of 2022. MHT would not be a signatory to the loan agreement but would review the agreement terms and conditions.

Mr. Robinson explained that during a meeting between the City of Baltimore, LAXART, and MHT, the following issues related to the loan were addressed:

- Packing and transport of the statues would be handled by a professional art handling firm and would take place during the summer of 2023.
- Only the statues, not the pedestals, would be transported for use in the exhibit.
- The statues would be displayed inside the Geffen Center and responding artists would have no physical interaction with the statues on display.
- The LAXART exhibit would conclude in early 2024 but the exhibit may travel to Richmond and a third to be determined location resulting in the statues returning to Baltimore in late 2024/early 2025.

The Monument Relocation Working Group met with MHT staff and the Office of the Attorney General to discuss the loan request and are in unanimous support of the Director’s intent to approve the loan request.

In so far as the MHT Board is the appeal body for decisions of the Director regarding easement change/alteration requests, it would not be appropriate for the Board to take action to approve or deny the request at this juncture. However, the Board has been actively engaged in seeking opportunities to ensure protection of and public access to these monuments for a number of years. To that end, the Monument Relocation Working Group is seeking feedback on the proposal from the Board before the Director takes final action on the request.

Senator West asked to confirm that the monuments would be returned to Maryland at the conclusion of the loan term in an unharmed condition so that there would be an opportunity to identify a permanent location for the monuments. Mr. Cucuzzella confirmed that the loan agreement executed between the City and LAXART would ensure that the statues will be well protected in transit and while on display and will be returned intact.

Mr. Reed asked staff to provide an overview of the Board's involvement with the Confederate monuments since they were removed by the City of Baltimore in 2017. Ms. Hughes provided a brief overview of the interactions between MHT and the City of Baltimore regarding the monuments.

Mr. Charlton asked whether approval of this loan would preclude the permanent re-location of the monuments at the Confederate Memorial Park in St. Mary's County or in some other location. Mr. Cucuzzella clarified that this option could still be considered once the monuments return to Maryland.

B200 Survey, Registration, Community Education & Museums Committee

B201R Heritage Preservation Fund Project Selection – FY23

Ms. Raines reported that, based on calculations made according to the Maryland Heritage Preservation Fund Disposition Policy, the Board may award funds for Heritage Preservation Fund projects totaling up to \$311,397.27 in fiscal year 2023. Staff have submitted funding requests for projects totaling \$240,583.29. 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 Mr. Reed, seconded by Mr. Buchheit, and approved unanimously.

RESOLVED, by the Board of Trustees of the Maryland Historical Trust, that an expenditure of up to \$240,583.49 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;
- Up to \$500 for the MHT Maryland History Day Prize;
- Up to \$3,000 for MHT Staff Recognition Awards;
- Up to \$30,000 for the Easement Processor Position;
- Up to \$6,000 for the 2023 Summer Internship in Archaeology;
- Up to \$1,000 for an Archaeology Merit Badge Workshop;
- Up to \$15,000 for the Architectural Survey Data Analysis – Data Development Technician position;
- Up to \$90,000 for the Architectural Survey Data Analysis – two Data Analyst positions;
- Up to \$169.99 for Topaz Labs AI Software;
- Up to \$1,802 for JPPM Orientation Kiosks;
- Up to \$1,999.00 for JPPM Drone;

- Up to \$15,000 for Dendrochronology;
- Up to \$3,112.50 for a Library Internship;
- Up to \$43,000 for the JPPM MAC Lab – Collections Assistant Position;
- Up to \$10,000 for an Architectural Historian / National Register Consultant.

B300 Management & Planning Committee

B301 Investment Committee Report

Mr. Parker, Treasurer of the Board and Chair of the Investment Committee, reported that Brown Advisory is still monitoring risks associated with the Russian war on Ukraine, the ongoing effects of COVID-19, inflation and the Federal Reserve's increase in interest rates. MHT holdings are valued at a total of approximately \$5M. Although the quarter to date is down 7.5%, the past 12 months is up by 3.5%. Brown Advisory is not recommending any significant changes to Board investments at this time.

B302 Equity Working Group Report

Mr. Parker, Chair of the Equity Working Group, thanked everyone who had completed the survey designed to collect information on individuals' perspectives on justice, equity and diversity at MHT. A summary of survey responses is being developed for distribution to MHT staff and Board members. Once the summary is completed, the Working Group will likely make recommendations to the Board for action.

B303 Budget & Legislation

Ms. Hughes reported that the 2022 session of the Maryland General Assembly resulted in increases to both the state historic tax credit program and the African American Heritage Preservation Program (AAHPP).

Two bills (SB289 and HB27) passed which will significantly increase funding for the small commercial and competitive commercial components of the Maryland Historic Revitalization Tax Credit Program and will extend the program to 2031. In addition, it should be noted that the Governor's Supplemental Budget #5 included an additional \$10 million in general funds for the historic tax credit program. As a result, MHT will have \$22 million to award to competitive commercial tax credit projects in FY23. Beginning in FY24, MHT will have \$20 million to award annually for competitive commercial projects and \$2M to award per year for small commercial projects. In addition, the cap on competitive commercial tax credit awards will increase starting in FY24 from \$3 million to \$5 million per project.

Passage of HB1088 resulted in increases in funding for the AAHPP from \$1 million to \$5 million starting in FY2024 and eliminated all matching requirements. MHT will need to submit an over the target request as part of the FY24 budgeting process in order to request additional staff to support this increase in funds. This request will be due in August.

The Governor's Supplemental Budget also included a \$150,000 general fund item for stripping and rewaxing of all 41 monuments maintained as part of the Maryland Military Monument Commission's cyclical maintenance program. This work is necessary because, after 30 years of maintenance treatments, it is difficult to achieve integrated coatings that bond to each other and are sound enough to protect the underlying metal. Using these funds, MHT will hire a professional conservator to remove failed protective coatings using dry ice solid carbon dioxide (CO2) blasting technology. This work is expected to take place in the spring of 2023.

Ms. Hughes reported that the Joint Chairmen's Report included language requiring MHT to report on its historic preservation easement process due to concerns regarding transparency of that process. The report is due December 31, 2022 and is required to address: 1. Updated information on the current easements held by MHT; 2. The process by which MHT evaluates properties for historical easements; and, 3. An evaluation of the impact that historical easements have on the viability of projects.

Ms. Hughes reported that the draft report on Historic African American Cemeteries in Maryland which is being developed in partnership with the Maryland Commission on African American History and Culture (MCAAHC), Preservation Maryland, the Coalition to Protect Maryland Burial Sites, and the Maryland State Archives is in final draft form. The report will be made available for public comment on the MCAAHC website on May 15th.

B304 Litigation & Legal Issues

Mr. Cucuzzella provided an update in the case of Maryland Division Sons of Confederate Veterans, Inc. v. MHT in the Circuit Court for Anne Arundel County. He reported that the case has been transferred to the Circuit Court for Baltimore City. As a result, the motion of summary judgement in the case, which takes the position that the plaintiff lacks standing and contests the assertion that MHT is a charitable trust, which had been scheduled for May 2, 2022 in the Anne Arundel County Circuit Court, will be rescheduled. Similarly, the trial in the case, which had been scheduled for July 13 and 14, will be rescheduled.

Mr. Cucuzzella also reported that the case filed against MHT regarding MHT's approval of an easement change/alteration request for 1742-1746 Thames Street, Baltimore City was heard by the Baltimore City Court of Special Appeals last week. The Court will make a decision on MHT's motion to dismiss in the next few weeks.

Mr. Cucuzzella concluded his report by stating that this would be his last MHT Board meeting as he has been appointed to serve as a judge in the Baltimore City Circuit Court. Board members and staff congratulated Mr. Cucuzzella on his appointment and expressed their deep appreciation for his service to the MHT Board.

Announcements

The next meeting of the MHT Board was originally scheduled for Thursday, July 14, 2022. Due to a conflict with the Maryland Heritage Areas Authority meeting which is scheduled for this same day, the Board meeting will be held the following week on Thursday, July 21. An off-site

meeting will be planned – possibly at the Port Tobacco Courthouse in Charles County. More information will be forthcoming.

A special event honoring Theodore H. Mack, recipient of the 2022 Calvert Prize awarded by the MHT Board of Trustees will take place on Friday, May 20th from 3-5 pm at the Banneker-Douglass Museum in Annapolis, MD. Board members are encouraged to attend.

The Annual Field Session in Archaeology will take place May 20-30 at the Barwick's Ordinary site in Caroline County.

The Maryland Association of Historic District Commission is hosting the 2022 Annual Symposium on Saturday, May 21, from 8:30 a.m. to 4:30 p.m. on the campus of St. Mary's College of Maryland, St. Mary's City. Information on how to register is available online.

Ms. Filkins reported that the MHT Board Nominating Committee will be contacting MHT Board Officers and Area Representatives to determine their interest in serving for another two year term.

Meeting adjourned at 11:53 am.