

**PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
OCTOBER 23, 2002
MINUTES**

A meeting of the Pennsylvania Historical and Museum Commission was held on October 23, 2002 in the Board Room of the State Museum, Harrisburg, Pennsylvania. The following Commissioners were present: Chairman Janet S. Klein, Vice Chairman William A. Cornell, Dr. James Adovasio, Representative Thomas C. Corrigan, Dr. Andrea Fitting, Ms. Fran Cleaver representing Senator Edwin G. Holl, Ms. Nancy D. Kolb, Dr. John W. Lawrence, Representative Stephen Maitland, Dr. Brian C. Mitchell, Dr. LeRoy Patrick, Ms. Jennifer Black representing Senator Allyson Y. Schwartz and Mr. Allen M. Wenger. The following staff was present: Brent D. Glass, Executive Director; Doreen McCall, Chief Counsel; Anita Blackaby, Jean Cutler, John Robinson, Frank Suran, John Wesley, Donna Williams. Marcia Gobrecht represented the Pennsylvania Heritage Society.

I. CALL TO ORDER

Chairman Klein called the meeting to order at 9:35 a.m. and thanked everyone for attending the meeting.

II. APPROVAL OF MINUTES OF SEPTEMBER 25, 2002

Chairman Klein asked if there were any additions or corrections to the minutes. On page one, Dr. Lawrence corrected the spelling of “Mr. Moltke-Hanson” should read “Mr. Moltke-Hansen”. Dr. Patrick commented on page 5 that “\$52,000” should read “\$52,000 Federal money”.

Dr. Cornell moved that the minutes be approved, seconded by Dr. Lawrence. The minutes were approved with corrections as noted.

III. CHAIRMAN'S REPORT

Chairman Klein congratulated Dr. Glass on his appointment as director of the Smithsonian's National Museum of American History in Washington, D.C. Dr. Glass reported that his first working day at the Smithsonian would be December 30 and his last day with the Commission would be December 27.

Chairman Klein reported that the History Code states that the Commissioners have full responsibility to appoint a new executive director. Governor Schweiker and his senior staff are very enthusiastic about her plans to appoint a search committee. The search committee will first appoint an interim executive director. Chairman Klein said her role and responsibility would be to chair the search committee.

Ms. Fitting asked for clarification about the process of appointing a new executive director. Chairman Klein explained that it is the Commission's full responsibility to appoint a new executive director. The Commission will appoint a search committee and their first responsibility will be to appoint an interim executive director. The search committee will present their recommendation for an interim executive director to the full Commission. Chairman Klein reported that the search committee would consist of Commissioners and possibly outside professionals. Ms. Kolb commented that it is very important that the Commission appoint someone as Dr. Glass's successor. Ms. Kolb feels it inappropriate for the Chairman of the Commission to chair the search committee and that it would be a good idea to have one of the other Commissioners to chair the committee. If any Commissioner is interested in the process of the search committee, they should ask for a meeting with the Governor's Office.

Chairman Klein reported that she has spoken with Fritz Bittenbender from the Governor's Office. The Governor's Office is enthusiastic about Chairman Klein's plan that she appoint the search committee and that the Governor's Office does not have a problem with her chairing the search committee. A few Commissioners expressed their concern over the structure of the search committee.

Ms. McCall quoted the following from the bylaws "With the consent of a majority of the members of the Commission, the Chair may create standing and ad hoc committees as the Chair deems appropriate or necessary to assist the Commission in carrying out its duties as it relates to specific subject areas under the Commission's consideration. No more than five Commission members shall serve on each committee. The Chair shall serve as an ex officio member of all committees."

Dr. Lawrence commented on that over the years he has been a member of search committees for executive directors. In both cases the Chairman of the Board appointed the search committee. Dr. Lawrence agreed that the most important thing the Commission will do is to appoint a new executive director. The Commission shall also provide a thoughtful search and process to obtain names of potential individuals for the position of executive director.

Chairman Klein said that the Commission could not do anything official until we receive a letter of resignation from Dr. Glass. Chairman Klein appreciated hearing comments from everyone and will discuss this further with the Governor.

Dr. Mitchell suggested that Chairman Klein contact each Commissioner individually to get a consensus of how the Commissioners feel. Chairman Klein agreed that she would contact each Commissioner over the next few weeks.

Ms. Black commented on behalf of Senator Schwartz. She agreed with Nancy and Andrea's concerns. Senator Schwartz does have concerns about the Chairman of the Commission serving also as the Chairman of the search committee for a new Executive Director. In addition, she feels that the committee should not only be made up of Commissioners, but also Museum staff, Friends of the Museum Commission, staff at other historic sites, and other outside professionals should be considered. Finally, Senator Schwartz feels that this process should be done right, meaning the process should not be rushed or taken lightly.

Representative Corrigan commented that the Chair of the Commission appoints committees and the next governor will appoint the next executive director. He agreed that this is a great discussion. We have a chairperson and that person is responsible for appointing committees.

Dr. Adovasio commented that Dr. Glass knows his job better than anyone. It would be useful to have him discuss with the Commission what the search committee should be looking for in a candidate for executive director.

Ms. Kolb asked what the next step would be. Chairman Klein explained that she would speak with each Commissioner individually to get their opinions and suggestions. Chairman Klein added that we should start thinking of people who would be appropriate for both the interim and permanent positions as well as possible search firms. Dr. Mitchell emphasized that the first step we need to take is to appoint an interim executive director.

Chairman Klein commented that the Commission has accomplished a lot over the years. The Commission has increased its credibility and visibility. Dr. Glass's appointment by the Smithsonian's National Museum of American History is an honor to everyone.

Chairman Klein thanked Edie Walsh, Dr. Lawrence and everyone who worked on the Commonwealth Treasure Program. The Commission must begin working on selection of the Founder's Award.

Chairman Klein thanked everyone who helped prepare the annual report and that all Commissioners should have received a copy.

Chairman Klein reported on the Governor's annual bike tour. Washington Crossing Historic Park was one of the stops on the tour. The Governor awarded \$3 million for the visitor's center at Washington Crossing Historic Park. The annual bike tour ended at the Philadelphia Museum of Art where he awarded the Museum \$12.5 million.

Chairman Klein commented that Mr. Robinson is working on this year's holiday card and if anyone would like to include names of organizations or people who should receive the card please give them to Mr. Robinson.

IX. STATUS REPORTS

b. Programmatic Agreement with Penn Dot

At this time Chairman Klein adjusted the agenda to accommodate guests from the Pennsylvania Department of Transportation (Penn Dot). Ms. Cutler introduced Mike Ryan, Deputy Secretary for Highway Administration at Penn Dot.

Mr. Ryan thanked the Commission for giving him the opportunity to give a presentation on the proposed Programmatic Agreement with Penn Dot. Mr. Ryan reviewed the following handouts: the current Programmatic Agreement, historic preservation and Penn Dot, a summary of all quality assurance specialists on staff and highlights of the King of Prussia Inn relocation project.

Mr. Ryan reported that Penn Dot typically works on 650-700 projects a year. Two percent of the projects are major environmental impact involving EIS clearances, 5% of the projects require environmental assessments and 93% are the small projects category. Penn Dot has conducted archaeological and historic surveys, which contribute about 25% of the identified archaeological sites and historic structures in the Pennsylvania Historical and Museum Commission database. Penn Dot employs 15 specialists that meet Secretary of Interior standards. The specialists work solely on the 106 process.

Penn Dot is working in the area of environmental stewardship and is considered one of the national leaders. Penn Dot's intent is to achieve international certification (ISO). Our expectation is that our pilot maintenance program in District 10 will be ISO certified in three areas including erosion and sedimentation control, winter services and stockpile development by the end of the year. One issue that we continue to face is that the Commission and Penn Dot are duplicating efforts in the review of environmental projects. This does not add value to the project process. We have discussed a situation where the delegation of the 106 process would come to Penn Dot and at the same time Penn Dot will fund educational and historic preservation enhancement projects.

Currently there is a programmatic agreement in place in which 2000 projects have gone through the system over the past four years. During this process only 33 projects (1.5%) have been the subject of disagreements and they have been settled amicably. Mr. Ryan asked the Commissioners if they had any questions.

Dr. Lawrence expressed his concern about the amount of minor projects in disagreement. Dr. Adovasio commented that he has been involved in Pennsylvania archaeology for 32 years and during that span of time he would not characterize the relationship between archaeologists at

the Commission and Penn Dot as amicable. There have been a whole series of projects through the years in which controversies have existed about the interpretation of the section 106 mandate. Dr. Adovasio has worked in Pennsylvania and other states and is familiar with how the process works around the country and does not believe that the spirit of trust necessarily exists to the level Mr. Ryan has described.

Mr. Ryan agreed that there have been staff differences in the past but overall the minor projects agreement has been working well. There are still disagreements and as we negotiate the terms in the agreement those differences have come out. There are two features we want to build into the agreement that we think are necessary: 1) if there is an adverse affect, Penn Dot should consult with the Commission and 2) Penn Dot would invite and encourage Commission staff to review projects at random and evaluate Penn Dot's efforts. We want the Commission to continue to monitor our activities to make sure that what we are doing is consistent with the way we have operated in the past.

Dr. Lawrence asked Mr. Ryan what his experience has been with major projects. Mr. Ryan reported that there have been some that have been ok and some not ok. Dr. Lawrence questioned what percentage of projects have not been ok. Dr. Glass commented that when Penn Dot works on a major project, such as a corridor for a major highway project, Penn Dot identifies sites along the corridor that they believe are either eligible or not eligible for the National Register. The number of disagreements is small. Dr. Glass reported that the agreements are far more than disagreements.

Ms. Kolb asked what happens when there is a disagreement between Penn Dot and Commission staff. Dr. Glass reported that there are two federal bodies that review our relationship. If we disagree on the eligibility of resources either archaeological or architectural

the Keeper of the National Register has the last word. Dr. Glass commented that before the project goes to the Keeper he and Mr. Ryan try and work out the disagreement. Ms. Kolb asked if there was some sort of structure that within the Commonwealth there is a board to hear the opinions before going to the Keeper.

Mr. Ryan agreed that this is a good idea. Ms. Kolb added that it would also be a good idea to have an outside archaeologist or someone who has the expertise to sit on the board. Dr. Glass added that the federal government funds 80% of the major projects. Penn Dot is carrying out a federal program in Pennsylvania. To summarize, Dr. Glass reported that we are proposing a demonstration project in no more than three districts, not the entire state, under a delegation authority. We are using Vermont as a guide where the entire state has been delegated back to the Vermont Department of Transportation. We are talking about doing this on an incremental basis in which quality assurance steps are built in. There are risks in proposing any type of change. We have had a fairly strong record of success in the minor projects area with a minimal amount of disagreements.

Both Chairman Klein and Dr. Glass thanked Mr. Ryan for his presentation.

Dr. Lawrence commented that this is a major policy decision and did not hear about this issue until reading it in Dr. Glass's report and commented on how much input and decision making the Commissioners have on the issue. Dr. Adovasio commented that he did not find anything assuring in comments from Mr. Ryan and has a problem with Penn Dot monitoring all projects.

Chairman Klein asked Ms. McCall to respond to what Dr. Lawrence said about how much input and decision making the Commissioners have on this issue. Ms. McCall referred the question to Dr. Glass. Dr. Glass reported that all agreements signed with Penn Dot are done

under the authority of the National Historic Preservation Act. Dr. Glass signs as the State Historic Preservation Officer appointed by the Governor. The Commission has input in the process but does not approve agreements. Dr. Glass reported on the Programmatic Agreement a week after the national meeting in Lexington, Kentucky to the State Historic Preservation Board. Dr. Glass mentioned that in his monthly reports and oral reports to the Commission he has discussed the Programmatic Agreement. Discussion about the agreement began in August. The Commission discussed this issue at its last Commission meeting in September. Dr. Glass discussed this issue with Dr. Adovasio and Chairman Klein over the summer since there were no Commission meetings in July or August. Dr. Glass's approach to this has been influenced significantly by the comments from Commissioners about how we should proceed.

Dr. Lawrence expressed his concerns over how this process evolved. Ms. Fitting agreed with Dr. Lawrence that on a regular basis where something of importance is about to evolve the Commissioners do not seem to have the necessary information. On a monthly basis the Commissioners receive a lot of information and it is not always clear to Commissioners what the eventual impact is going to be. Ms. Fitting asked that when there is something of importance, could someone from the Commission who is an expert in that particular area and understands what the potential importance would be, inform the Commissioners. Ms. Kolb agreed with Ms. Fitting's comments on the process of communication.

Dr. Adovasio asked what the current status of the process is with Penn Dot. Dr. Glass reported that Penn Dot and Commission staff with the help of an outside consultant is drafting the agreement. Once a draft agreement is completed it will go out for statewide public hearings.

Ms. Fitting added that the Commission, as a board, should be concerned with policies and should be informed and spend time discussing the policies.

Dr. Adovasio asked what public agency would hold the public hearings. Dr. Glass reported that Penn Dot would hold the hearings.

Ms. McCall added that this particular process is between Penn Dot and the State Historic Preservation Officer, who happens to be Dr. Glass. It is hard for the Commission to separate those functions. Neither this board nor Ms. McCall would sign or review the agreement because it is a Federal process with Penn Dot who is functioning for the Federal Highway Administration.

Chairman Klein asked to whom Dr. Glass reports as the State Historic Preservation Officer. Dr. Glass said he reports to the Governor of Pennsylvania.

Dr. Fitting asked how long have the two responsibilities been with one person. Dr. Glass reported since 1981. Dr. Fitting asked if it were unlikely to change that one person would share responsibility. Dr. Glass said he would not recommend it.

Chairman Klein summarized that we understand that this is a process that will be handled by Penn Dot as an agency, Dr. Glass as the State Historic Preservation Officer and the Bureau for Historic Preservation. Chairman Klein asked if there would be an opportunity for the Commission to review the draft agreement. Dr. Glass reported that if there is a consensus from the Commission that they would like to review the agreement, we should appoint a Committee to do so. Chairman Klein appointed Dr. Adovasio as an ad hoc chairman of the committee. If there are Commissioners who would like to review the draft agreement they should let Dr. Adovasio know.

IV. STAFF REPORTS

Chairman Klein asked if there were any questions or comments on the staff reports. Dr. Lawrence asked who would staff the Founder's Award. Dr. Glass reported the executive office

would handle the Founder's Award. When a new administration is appointed the Commission will talk with them about the program and find out how they would like to proceed. This would be a good way to educate the administration about one of the program initiatives of the Commission. The Commonwealth Treasure ceremony will be assigned to Edith Walsh in the Bureau for Historic Preservation. Heritage Week will be an inter bureau initiative.

V. EXECUTIVE DIRECTOR'S REPORT ON FUTURE ACTIVITIES

Dr. Glass thanked everyone for his or her words of encouragement and support that have been given to him over the past few weeks concerning his appointment as Director of the National Museum of American History. Dr. Glass offered himself as a resource during the process of searching for a new executive director of the Commission. He emphasized that this be an inclusive process and that there are many stakeholders, including staff, that care about the Commission. Dr. Glass commented that he was impressed that the Smithsonian's search committee included two staff members.

Dr. Glass reported that Governor Schweiker started his bike tour at Grey Towers in Milford where he gave a \$2 million grant for a new visitors center. The bike tour ended at the Philadelphia Museum of Art.

Dr. Glass reported that the Commission received a certificate of appreciation from Carbon County for our records management program. Dr. Glass thanked Mr. Suran and his staff for their work on this program.

Dr. Glass congratulated Ms Kolb on the Please Touch Museum receiving a National Award for Museum and Library Service. Ms. Kolb explained that the Institute for Museums and Libraries Services has a program where once a year the Institute recognizes museums and

libraries for their role in the community. The presentation ceremony will be held October 29 at the White House with Laura Bush presiding.

Dr. Glass reported on SB1179 which authorizes the transfer of land from the Borough of Ambridge to the Pennsylvania Historical and Museum Commission for the Visitor Center at Old Economy Village. There is also talk about using this bill to authorize some additional land transfers.

The Capitol Budget (SB1213), passed in the House of Representatives and the Senate, concurred. Governor Schweiker is reviewing the bill.

Dr. Glass reported that he has seen drafts of the tax credit legislation for Historic Preservation but no bill has been introduced.

He reported that there have been no changes on the bookstore transfer legislation that have been put on hold because of objections from the Pennsylvania Catholic Conference. Dr. Lawrence asked why the Pennsylvania Catholic Conference has an objection with the bookstore. Dr. Glass explained that the Conference does not have a problem with the bookstore. They are using the amendment to the History Code as a vehicle to object the designation of religious property for historic preservation.

Dr. Glass mentioned that some of the Commissioners might receive a letter from the Washington Crossing Reenactors Society. Dr. Glass would like to respond with one letter from Michael Bertheaud, Site Administrator at Washington Crossing Historic Park. Dr. Glass has asked staff to review the issue of safety. Once he has the assurance that the safety issues are properly address and that we will not jeopardize the safety of the reenactors we will respond. We are calling for an open enrollment for reenactors. Staff at Washington Crossing will review their qualifications based on their medical certification and attendance at rehearsals. This is not

an effort to exclude anyone but an effort to manage the reenactment in a way that reduces the amount of conflict that has occurred in the past. Dr. Glass has consulted with all legislators from Bucks County and PHMC Commissioners from the Bucks and Montgomery county region as well as the Governor's Office who might hear from the Reenactors Society so that they will not be surprised to hear about this.

Dr. Glass encouraged commissioners that if they are contacted by the Reenactors Society please refer them to Michael Bertheaud.

Ms. Kolb commented that this is a local issue between the site administrator and the Reenactors Society not the Commission.

Dr. Glass commented on the handouts that were distributed at the meeting.

Dr. Glass announced that the Central Susquehanna Intermediate Unit received a \$1 million Teaching America's History grant from the United States Department of Education. The State Museum of Pennsylvania will be the central venue for teacher training.

VI. FINANCIAL REPORT

Chairman Klein then moved on to the financial report and asked for any comments or questions. There were no comments or questions. She stated that the report would be filed.

VII. COMMITTEE REPORTS

a. Historical Marker Committee

Representative Maitland asked for the approval of the Historical Marker Review Panel recommendations. Dr. Lawrence moved that we approve the recommendations. Dr. Adovasio seconded. Motion approved to accept the Historic Marker Nominations. (Attachment A).

Representative Maitland asked for the approval of the revised Historical Marker Policies and Statement of Purpose. Ms. Kolb moved that we approve the Historical Marker Policies and

Statement of Purpose. Dr. Mitchell seconded. Motion approved to accept the Historical Marker Policies and Statement of Purpose. The following was approved:

10.02.01 The Pennsylvania Historical and Museum Commission approve the Historical Marker Policies and Statement of Purpose. (Attachment B)

b. Historic Properties Committee

Ms. Kolb gave a brief history of Governor Printz Park. The park consists of 7 acres of land where the first capitol, school and church in New Sweden was located and Colonel Johan Printz, established his home there as the first executive mansion in 1653. Tincum Township has requested the Commission consider transferring Governor Printz Park to the township and to maintain it in its present use as a historic park.

Ms. Kolb asked the Commission to approve that the park be transferred to Tincum Township with a preservation covenant prohibiting development or any use of the park except as a historic park. Dr. Lawrence seconded. Motion approved to accept the transfer of Governor Printz Park to Tincum Township. (Attachment C)

VIII. COURTESY RESOLUTIONS

There were no courtesy resolutions for approval.

IX. STATUS REPORTS

a. Accreditation Report

Ms. Kolb gave a progress report on the Site Accreditation Plan. Ms. Kolb commends the staff of the Bureau of Historic Sites and Museums for their work with the American Association of Museums accreditation process. Ms. Kolb noted that all the historic sites have revised mission statements and recently improved fire and security systems. The Anthracite Heritage Museum is scheduled to begin the actual accreditation review applied for eligibility in December 2001 and is currently completing the self-study which is due March 2003. Ephrata Cloister and

Pennsbury Manor are due for re-accreditation. Ms.Kolb believes the Commission is making good progress towards the goal of having all Commission sites accredited.

c. Legislative Update

Dr. Glass had already included the Legislative Update in his Executive Director's Report.

X. UNFINISHED BUSINESS

a. Bureau Mission Statements – Bureau of Management Services

Dr. Glass reported read the final version of the mission statement for the Bureau of Management Services. “The Bureau of Management Services provides administrative and management support to all programs of the Commission, to ensure as much as possible that they have the financial, technological and human resources necessary to fulfill their respective missions; and to carry out the administrative mandates, policies and programs of the Governor, the Office of the Budget, Office of Administration and the Pennsylvania Historical and Museum Commission”.

The Bureau of Management Services has three main divisions: Human Resources, Information Systems and Fiscal and Office Support Services. Those three functions are described in the mission statement. Dr. Lawrence called for a motion to accept the Bureau of Management Services Mission Statement. Mr. Wenger seconded. Motion approved to accept the Bureau of Management Services Mission Statement. (Attachment D)

Chairman Klein asked Dr. Glass if there are any bureau mission statements still to be done. Dr. Glass responded yes, the Bureau for Historic Preservation still must prepare its mission statement.

Dr. Glass introduced Phred Barber, head of the Information Systems division. Mr. Barber comes from the Board of Probation and Parole and has nine years in state government and private industry. We are very pleased to have Mr. Barber with the Commission.

XI. NEW BUSINESS

There was no new business to discuss.

XII. ANNOUNCEMENTS

Chairman Klein announced that the State Museum of Pennsylvania is having a Halloween Monster Bash this Friday. There were several mailings from the Bureau for Historic Preservation in support of workshops and seminars.

Representative Maitland reported that he has met with people from the National Institute on Civil War Photography. They are looking to establish a museum in Gettysburg. Representative Maitland was impressed with their presentation and suggested the Commission invite them to give a demonstration.

Dr. Patrick thanked Ms. Blackaby and Mr. Smith for their work on the upcoming exhibit on Dr. Patrick's role as an activist from the civil rights movement in Pittsburgh for Black History Month.

Mr. Wenger offered to show the Commission videotape produced by the Advanced Agricultural Institute in cooperation with Landis Valley Museum at a future Commission meeting.

XIII. ADJOURNMENT

Chairman Klein called for adjournment of the meeting. Dr. Lawrence seconded the motion for adjournment. Motion approved. The meeting adjourned at 11:50 a.m.

Chairman Klein announced the next Commission meeting would be held November 20 at 9:30 a.m. in the fifth Floor Board Room of The State Museum of Pennsylvania.

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