

**PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
DECEMBER 7, 2016
MINUTES**

The Pennsylvania Historical and Museum Commission met on December 7, 2016 in the 5th Floor Board Room of the State Museum of Pennsylvania, Harrisburg, Pennsylvania. The following Commissioners were present: Ophelia Chambliss, Senator Andrew Dinniman, William Lewis, Alice Lubrecht, Andrew Masich, Nancy Moses – Chair, Representative Scott Petri, Fredrick Powell, Robert Savakinus, Kate Eckhart for Senator Joseph Scarnati, David Schuyler, Ken Turner and Philip Zimmerman. Representative Robert Matzie participated via conference call.

The following staff was present: James Vaughan, Samara Gomez, Brenda Reigle, Andrea MacDonald, Pam Roche, David Carmichael, Beth Hager, Howard Pollman and Andrea Lowery. Heather Hu represented the Pennsylvania Heritage Foundation. Attorney John McGee, Vintage Baseball was also present.

I. CALL TO ORDER

Nancy Moses, Chair called the meeting to order at 9:45am. At this time, she asked everyone to introduce themselves.

II. APPROVAL OF SEPTEMBER 14, 2016 MINUTES

Nancy Moses, Chair called for a motion to approve the minutes from the September 14, 2016 meeting. MOTION: (Turner/Chambliss) Motion to accept the minutes as presented from the September 14, 2016 meeting were approved. 14 in favor/0 opposed/0 abstention. Motion carries.

III. CHAIRMAN'S REPORT

Nancy Moses, Chair thanked commissioners who joined staff this morning for coffee and pastries in appreciation of their hard work. Nancy believes commissioners have two things in common; we cherish the history of Pennsylvania and we are the kind of people to get involved in community action. She hopes that over time, commissioners will find ways individually and

collectively to advance the activities of the commission. Nancy announced that Governor Tom Wolf and First Lady Frances Wolf would like to thank PHMC Commissioners and Senior Staff at the Governor's Residence either March 15th or 16, 2017. Invitations will be mailed once the date is confirmed.

In honor of the 75th Anniversary of Pearl Harbor, Ken Turner called for a motion to recognize the loss of men and women on December 7, 1941. MOTION: (Turner/Lewis) Motion approved to recognize the men and women who lost their life on December 7, 1941 during the attack at Pearl Harbor.

At this time, an Executive Session was called to discuss a legal matter. After the executive Session ended, the regular PHMC Commission meeting resumed.

IV. ACTION ITEMS

Samara Gomez reported that PHMC Commissioners met in an executive session to discuss the Shawn Petruce v. PHMC proposed settlement where counsel recommended staff adopt the following resolution:

WHEREAS, in March 2014, Shawn Petruce (Petruce") filed a complaint with the Pennsylvania Human Relations Commission ("PHRC") against the Pennsylvania Historical and Museum Commission ("PHMC"). Said complaint alleged, in part, that PHMC violated Section 5(i)(1) of the PHRC Act, 43 P.S. Section 955(a) by denying him the opportunity to volunteer because of his disability.

WHEREAS, PHMC staff vigorously denied the allegations contained in the complaint and have steadfastly maintained that its actions did not constitute a violation of the PHRC Act.

WHEREAS, on July 22, 2015, PHRC determined that probable cause existed to support Petruce's allegations.

WHEREAS, PHMC's counsel has engaged in settlement negotiations with PHRC's attorney for a resolution of Petruce's complaint which, will resolve all matters between the parties and settle all issues related to Petruce's complaint.

WHEREAS, the settlement of said litigation is intended to resolve all claims raised by Petruce without the potential exposure that PHMC could incur if subjected to a public hearing before PHRC.

WHEREAS, said settlement is not an admission of fault or wrongdoing by PHMC, but it is proposed to fully resolve any and all disputed claims between the parties.

WHEREAS, members of PHMC have had the opportunity to discuss the proposed terms of the settlement agreement (“Terms”) with PHMC’s counsel, members of PHMC believe that said Terms are a fair and reasonable resolution to the pending litigation and, accordingly, PHMC staff should be authorized to enter into a PHRC settlement agreement consistent with the material Terms.

NOW, THEREFORE, be it resolved by the members of the Pennsylvania Historical and Museum Commission on this 7th day of December 2016, as follows:

Section 1. PHMC hereby approves and authorizes staff to enter into a PHRC settlement agreement consistent with the material Terms.

Section 2. Staff is hereby authorized and directed to take all actions necessary to effectuate the above authorized settlement.

Section 3. This resolution shall take effect immediately.

MOTION: (Powell/Petri) Motion to accept the Resolution Authorizing Settlement of Litigation regarding Shawn Petruce v. Pennsylvania Historical and Museum Commission as presented was approved. 14 in favor/0 opposed/0 abstention. Motion carries.

State Historic Records Advisory Board Appointments

David Carmicheal thanked commissioners for nominating appointments to the State Historic Records Advisory Board and requested approval of the following appointments and reappointments:

New Appointments (January 1, 2017 – December 31, 2019) - Nancy Avolese, Benjamin Goldman, Rachel Grove Rohrbaugh, Jack McCarthy and Martina Soden.

Reappointments (January 1, 2017 – December 31, 2019) – Heidi Abbey Moyer and Marilyn Parrish.

MOTION: (Powell/Masich) Motion to approve the appointments and reappointments to the Pennsylvania State Historical Records Advisory Board were approved as submitted. 14 in favor/0 opposed/0 abstention. Motion carries. (See Attachment)

Retirement Resolutions

Andrea MacDonald reported on the following upcoming retirement of Mark A. McConaughy, Mark began his career with the Pennsylvania Historical and Museum Commission in 1986. MOTION: (Turner/Lubrecht) Motion to approve Retirement Resolution for Mark A. McConaughy was approved. 14 in favor/0 opposed/0 abstention. Motion carries. (See Attachment)

V. EXECUTIVE DIRECTOR'S REPORT

Budget

Jim reviewed the 2017-18 Pennsylvania Historical and Museum Commission Budget Rationale Summary and discussed the 2016-2017 re-budget. The budget summary shows a breakdown of money spent for each bureau including General Government Operations, Keystone and Capital Projects.

Our current budget for 2016-2017 includes \$19.9 million in General Government Operations and \$2 million in Cultural and Heritage Support Grants. The budget for 2017-2018 includes \$23.8 million in General Government Operations.

Legislative Report

Howard Pollman's legislative report includes passed legislation and bills not passed. The bills not passed will be reintroduced in the next legislative session. On October 8th, PHMC Chair Nancy Moses, Executive Director Jim Vaughan and Howard Pollman met with the House Tourism and Recreational Development Committee to discuss commission issues.

PHMC Initiatives

PHMC is working on several PHMC initiatives including: the Commemoration of the 100th Anniversary of World War 1 and World War 2; and plans to initiate a Women's History Initiative, a collection of stories and artifacts on successful women from Pennsylvania in government, arts and business.

State Historic Preservation Office

Andrea MacDonald, reported on the Statewide Historic Preservation Planning efforts. Her office partnered with Preservation Pennsylvania to host open houses throughout Pennsylvania in the fall as part of the public outreach process. Participants were asked to react to a selection of online survey responses and answer a specific set of questions to capture additional input about their concerns and how we can find progressive, creative solutions to Pennsylvania's preservation challenges.

Several themes emerged from the open house conversations; the two most consistent relate to education and assistance for private property owners. Other themes include the inefficiency or lack of local regulation of existing ordinances and lack of leadership in the community. Next steps include a series of stakeholder meetings, a consultant will be hired to analyze all of the collected data from the online surveys, public meetings and stakeholder meetings.

State Archives

David Carmichael updated everyone on the new State Archives building; work continues to focus on programming, the process of determining how large each area should be and which areas should be adjacent and how the building will function in general. The original team of architects has returned to the project, which is proceeding well.

State Museum

Beth Hager reported on the various exhibits and displays at the State Museum of Pennsylvania, "Saga of the USS Pennsylvania" exhibit opened December 4th. Beth updated commissioners and staff on the Mammal Hall Restoration Project. The second group of dioramas was completed last month; work on group 3 begins in late February 2017.

Historic Sites and Museums

Bill Lewis reported on the ongoing discussion on heritage baseball at Eckley Miner's Village. In 2015 the commissions voted to have PHMC staff negotiate an agreement with Attorney John McGee regarding vintage baseball at Eckley. Bill Lewis was not aware of any activity until recently when PHMC representatives met with Senator Blake and other legislative staff and Attorney John McGee.

Attorney McGee attended the commission meeting to introduce the concepts of his organization and himself to the new members of the commission and counsel.

He reported that his organization, Anthracite Region Vintage Baseball Organization would reenact how the game of baseball was played prior to the Civil War. All the admission revenue would be kept by the commission and cost approximately \$250,000 in site improvements primarily to remove several utility poles in the vacant field. The money used for the improvements will be raised by public/private partnerships and contributions. In order to assure the public that the reenactments will continue on a long term basis we need a long term agreement. The History Code only provides for up to a five-year lease, prior PHMC counsel recommended that the commission enter into a lease for five years, renewable for seven consecutive terms.

Because the agreement would be self-renewing and would not require input from the commission there could be litigation where someone could say we have entered into a 35 year lease.

Attorney McGee believes this could be resolved if we entered into a program agreement instead of a lease agreement.

Brenda Reigle reported that legislation was passed and signed by the governor transferring the following properties from commonwealth ownership to individual management groups: David Bradford House, Old Mill Village, Tuscarora Academy, McCoy House and Robert Fulton Birthplace. The deed has been fully signed to transfer Tuscarora Academy; others are in process. Legislation will need to be re-introduced next year for French Azilum and Warrior Run Church.

Brenda reported that John Hanlon, a developer, proposed developing a public/private partnership to build a “Residential Village” on the open fields surround Hope Lodge historic site. PHMC staff met to review the proposal and were concerned with open space preservation, preservation of the historic view shed and preservation of possible archeological resources. PHMC has declined to allow land at the site to be used for that purpose.

Andy Masich asked that it be noted for the record that the “Friends of Fort Pitt are not an official support group of Fort Pitt Museum.”

Bureau of Management Services

Pam Roche, Director of Management Services introduced Andrea Lowery, Chief, Division of Architecture and Preservation who reported on the various projects her office manages at Joseph Priestley House and Landis Valley Museum.

VI. PENNSYLVANIA HERITAGE FOUNDATION

Heather Hu reported that the Pennsylvania Heritage Foundation board members met yesterday at Pennsbury Manor. Fundraising efforts include: estate planning, end-of-year giving, Giving Circle level and naming opportunities for the restoration of Mammal Hall and archives building.

The foundation is looking into creating an education fund that could be used to bring disadvantaged children to one of our historic sites.

The foundation hosted two member-only events on October 20th and November 28th to take members behind-the-scenes of the Mammal Hall restoration in progress.

Heather welcomed three new board members to the foundation: David A. Schankweiler, Founder and Former CEO of Journal Multimedia; Allison T. Young, Executive Director, Institute for Strategic Leadership Drexel University's LeBow College of Business and Jeanna R. Earley, Director of Marketing, American Council of Engineering Companies of PA.

VII. COMMISSIONER REPORTS

Brenda Reigle thanked commissioners for visiting PHMC. The following commissioners reported on their recent site visit: Ophelia Chambliss - Landis Valley Village and Farm Museum; Alice Lubrecht - Pennsbury Manor; Fred Powell - PA Lumber Museum; Philip Zimmerman - Conrad Weiser; Robert Savakinus – PA Railroad Museum and Nancy Moses – Anthracite Heritage Museum and Eckley Miner's Village.

VIII. NEW BUSINESS

Representative Robert Matzie reported that he toured the Shell Cracker Plant in Beaver County with Governor Tom Wolf. Representative Matzie recognized the hard work from PHMC staff on this project.

IX. OLD BUSINESS

Jim Vaughan reviewed the following PHMC goals for the strategic plan: collections, education, facilities, financial, leadership and partnership and organizational management and efficiency goals.

X. ADJOURNMENT

At this time, Nancy Moses adjourned the meeting to discuss a personnel matter. Meeting adjourned at 3:25 p.m.

SUMMARY OF ACTIONS

20161207_1 MOTION: (Turner/Lewis) Motion approved to recognize the men and women who lost their life on December 7, 1941 during the attack at Pearl Harbor. 14 in favor/0 opposed/0 abstention. Motion carries.

20161207_2 MOTION: (Powell/Petri) Motion to accept the Resolution Authorizing Settlement of Litigation regarding Shawn Petruce v. Pennsylvania Historical and Museum Commission as presented was approved. 14 in favor/0 opposed/0 abstention. Motion carries.

20161207_3 MOTION: (Powell/Masich) Motion to approve the appointments and reappointments to the Pennsylvania State Historical Records Advisory Board were approved as submitted. 14 in favor/0 opposed/0 abstention. Motion carries. (See Attachment)

20161207_4 MOTION: (Turner/Lubrecht) Motion to approve Retirement Resolution for Mark A. McConaughy was approved. 14 in favor/0 opposed/0 abstention. Motion carries. (See Attachment)