



STATE OF RHODE ISLAND
HISTORICAL PRESERVATION & HERITAGE COMMISSION
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MINUTES (DRAFT)
RHODE ISLAND STATE REVIEW BOARD
August 3, 2020 9:30 am
via video conference

I. MEMBERS PRESENT

Mr. Michael Abbott, AIA
Dr. Marisa Angell Brown
Dr. Patrick Malone
Dr. E. Pierre Morenon
Dr. Ronald Onorato, Chairman
Mr. Edward F. Sanderson
Ms. Martha Werenfels, AIA

MEMBERS ABSENT

Dr. Tripp Evans
Vacant (archaeologist)
Vacant (landscape architect/historian)

STAFF PRESENT

Ms. Enerida Ademi, Data Control Clerk
Ms. Donna Alqassar, Heritage Aide
Ms. Joanna Doherty, Principal Architectural Historian
Mr. Jeffrey Emidy, Deputy Director
Mr. John Paul Loether, Executive Director/SHPO
Ms. Elizabeth Rochefort, Principal Architectural Historian
Ms. Sarah Zurier, Principal Special Projects Coordinator

GUESTS

Jonathan Ames, Roger Williams University and RIHPHC Summer Intern

II. AGENDA

1. Call to Order

The meeting was called to order at 9:34 A.M. by Chairman Onorato.

2. Roll call

Dr. Onorato called the roll of Board members. See page one of these minutes for the attendance list.

3. Meeting procedures overview

Dr Onorato explained the procedures that would be followed by Board members and attendees of the meeting.

4. Minutes of February 3, 2020

On a motion by Ms. Werenfels, seconded by Dr. Brown, the Review Board unanimously VOTED TO APPROVE the Minutes of February 3, 2020 as submitted for review.

5. Deputy Director's Report

a. Properties Listed

Jeffrey Emidy reported that the First Universalist Church, in Woonsocket, now the home of the American-French Genealogical Society, was listed in the National Register on March 27, 2020. The Board approved the nomination, which was written by Elizabeth Rochefort, at the February meeting.

b. Nomination Processing Updates

- i. Ms. Rochefort has been doing the preliminary work for a potential nomination of a small number of houses on Loop Drive in North Kingstown. These are outside the Wickford Historic District. The inability to gain access to repositories of historical information has hampered her efforts, so that work is on hold for now. This has freed her up to work on the State Plan, however.
- ii. Joanna Doherty has been working on the review of the nomination for the Plymouth Congregational Church, on Broadway in Providence. PAL drafted the nomination. This will be on the Review Board agenda for a final review at the October meeting.

- iii. Ms. Doherty is also writing the nomination for St. Columba's Chapel, in Middletown. The Review Board gave preliminary approval for that property a few meetings back.
 - iv. Ms. Doherty is also waiting for a revised nomination draft from the property owner of the General Thomas Allin House, in Barrington. The owner is writing the nomination.
 - c. We continue to field requests for information about potential National Register eligibility. A few properties have come in lately, including an old school in Central Falls and a barn.
 - d. Joanna Doherty and Katherine Pomplun are working with the City of East Providence to revise their Certified Local Government grant that was to be used to write a National Register nomination for two schools in the city. The mayor has decided that he does not want the properties nominated. As of now, the idea is to do a citywide survey of schools and develop a context for their development.
 - e. We have received about 12 to 15 applications for State Register plaques to date. A few of the properties have not been eligible. There seems to be some confusion about listing in the State Register and local historic district zoning.
6. For consideration: Rhode Island State Historical Preservation Review Board *Rules and Procedures*

A copy of the draft *Rhode Island State Historical Preservation Review Board Rules and Procedures* (copy attached to these minutes) was made available to the Board members for review prior to the meeting.

RIHPHC Executive Director John Paul Loether explained that, when the Review Board was formally separated from the Commission, a federal requirement to have Board procedures kicked in. Jonathan Ames, a law student at Roger Williams University, has been serving as an intern at RIHPH this summer and has put together the draft procedures which the Board members were given. Mr. Loether thanked Mr. Ames for the excellent work that he has done, and also thanked RIHPHC staff Katherine Pomplun, Rosemary Carreiro, and Jeffrey Emidy for reviewing the draft procedures.

Dr. Onorato asked the Board members if they have comments on the draft procedures. Dr. Morenon stated that he reviewed the draft and also the federal guidelines. The federal guidelines state that a board member can fill more than one of the professional qualification spots that are required, for example historical and pre-historic archaeology. He suggests that we might add that to the Board procedures. Dr. Onorato noted that he also saw this, and that, among the current Board members, a number can be viewed as filling multiple roles. Mr. Loether stated that, when someone is brought forward to be a Board member, we verify their qualifications, and while we don't look for people who fill multiple roles, we would certify them under multiples. Ms. Werenfels asked if the categories of qualification are used nationwide, or only in Rhode Island. Mr. Loether replied that they are used nationwide.

Mr. Sanderson stated that the definitions section contains State Historic Preservation Officer and Executive Director, but does not explain their roles in the Review Board process. It

would be helpful for the public appearing before the Board to know what these roles are. Mr. Loether stated that this is a great idea and we will include it.

Mr. Sanderson stated that the procedures are missing a discussion of who sets the agenda and has the authority to add and remove items. If a member of the public or a Board member has a topic to add to the agenda, it would be helpful to explain how that could occur. Mr. Loether stated that he will look into that.

Mr. Sanderson stated that the ethics and conflict of interest section is good, however, it does not describe who has the authority to receive a Board member's statement of conflict and who rules on it. Who is the person who makes those decisions? Dr. Malone asked how, upon recusing oneself from a discussion, the member leaves the room on a video call, and how does one know when to "come back"? Mr. Loether replied that one could turn their video off and simply leave the audio feed on to listen, but not comment.

Mr. Abbott asked if the procedures should say that Board members continue to serve until a replacement is assigned and asked if we can publish a Board members list with their terms included. Mr. Loether responded that, regarding staying on until replaced, the clause would say that members may [emphasis added] stay on until replaced.

Ms. Werenfels asked if there is a term limit. Mr. Loether replied that there is not, as written. Ms. Werenfels asked if there should be. Mr. Loether replied that we can add it, or be less direct by including the option of staying on until replaced.

Mr. Loether stated that he would like authorization from the Board to proceed with these edits and finalize the document, rather than bring it back for another review at the next Review Board meeting. Dr. Onorato asked if Mr. Loether would make both substantive and typographic changes. Mr. Loether replied that he would make substantive changes according to the Board's comments and typographic changes as they come up in the staff review process. The process for approval of the procedures is that they are reviewed by the Board, then the Commission, and then sent to the National Park Service for approval.

Dr. Onorato asked for a motion to approve the procedures with both the substantive changes that the Board members have recommended and minor changes to be made before the document is reviewed by the Commission. The motion was made by Mr. Abbott and seconded by Dr. Malone. A roll call vote was taken, and the motion was approved unanimously.

7. For discussion: Vacancies on the State Review Board

Dr. Onorato stated that Board member Tanya Kelley has resigned, leaving the Board two members short. These positions need to be filled so that the Board can meet quorum requirements.

Mr. Emidy stated that the open positions have been designated as being for an archaeologist and a landscape architect or historian. We like the idea of having redundancy of professional

specialization on the Board to allow for absences. In order to allow for redundancy in the landscape professional position, we would have to increase the number of Board members to 11. Mr. Loether replied that we could go to 11 Board members. In filling the vacancies, we need to try to look for a more diverse membership.

Mr. Sanderson stated that, in years past, there has been discussion that a majority of the Board members should meet the Secretary of the Interior's professional qualification standards. If the number of members is increased to 11, the number who meet the standards should be increased from five to seven. Dr. Onorato agreed, suggesting increasing the number of Board members who must meet the professional qualification standards to seven. Mr. Loether stated increasing the number of Board members to 11 with seven meeting the standards would allow for more community representation, potentially including heritage.

Dr. Morenon stated that he'd like to encourage the Board to think about adding members to add diversity to the Board, particularly as we look at National Register nominations that have different areas of significance. Mr. Onorato and Dr. Brown seconded Dr. Morenon's point.

Mr. Emidy reminded the Board that they will need to make the change in number of members to the procedures through a motion, since the change was not discussed in the previously accepted motion on the draft procedures.

Dr. Onorato asked for a motion to modify the draft procedures to change the number of Board members to 11 with seven meeting the Secretary of the Interior's professional qualification standards. The motion was made by Mr. Abbott and seconded by Ms. Werenfels. A roll call vote was taken, and the motion was approved unanimously.

Dr. Onorato asked if the Board members have any suggestions for new members to fill the vacancies. Mr. Loether stated that, if members have suggestions later, they should email them to Mr. Emidy.

Dr. Malone stated that, in Rhode Island, it is important to have a Board member who has expertise in the field of industrial archaeology.

Mr. Abbott recommended Theresa Guzman Stokes or Keith Stokes. They have done a lot for African-American history, so it would be great to add either of them.

Dr. Onotaro recommended Jim Donohue, a professional landscape historian at the Preservation Society of Newport County. He is very knowledgeable in historic landscapes.

8. Old business

There was none.

9. New business

There was none.

10. Announcements

The next meeting will be held on October 5, 2020. It will likely be held virtually.

11. Adjourn

The meeting adjourned at 10:28 A.M.

Minutes recorded by,



Jeffrey D. Emidy
Deputy Director
Deputy State Historic Preservation Officer

DRAFT

RHODE ISLAND STATE HISTORICAL PRESERVATION REVIEW BOARD

RULES AND PROCEDURES - DRAFT

LAST REVISED JULY 28, 2020

I. Preamble

- a. In order to encourage the interest in the value of, and necessity of preserving, the historical, architectural, and cultural heritage of the State of Rhode Island and her citizens, pursuant to 54 U.S.C. § 302301(2) and R.I. Gen. Laws § 42-45-5(a)(12), these rules and procedures are proposed by the Rhode Island Historical Preservation and Heritage Commission and adopted on this xx day of xx, 2020.

II. Name of the Board

- a. The name of this body is the Rhode Island State Historical Preservation Review Board.

III. Authority

- a. Authorization for the State Historical Preservation Review Board is provided by 54 U.S.C. § 302301(2) and R.I. Gen. Laws § 42-45-5(a)(12).
- b. The National Register of Historic Places notification and review process follows federal regulations 36 CFR 60, *et seq.* The Rhode Island State Register of Historic Places notification and review process follows state regulations 530 RICR 010-00-1, *et seq.*

IV. Definitions

- a. “Commission” means the Rhode Island Historical Preservation & Heritage Commission as established by R.I. Gen. Laws § 42-45-1, *et seq.*
- b. “Executive Director” means the Executive Director of the Rhode Island Historical Preservation & Heritage Commission.
- c. “National Register” means the National Register of Historic Places as established pursuant to the National Historic Preservation Act of 1966, as amended (54 U.S.C. 302101, *et seq.*).
- d. “Review Board” means the Rhode Island State Historical Preservation Review Board.
- e. “SHPO” means the State Historic Preservation Officer of the State of Rhode Island.
- f. “State Register” means the Rhode Island State Register of Historic Places.

V. Duties & Responsibilities

- a. The Review Board's duties and responsibilities include the following;
 1. Provide advice, guidance, and professional recommendations to the SHPO and Commission in carrying out duties and responsibilities in accordance with 54 U.S.C. § 302303(b)(2) and R.I. Gen. Laws § 42-45-5(a)(12);
 2. Review and make recommendations on National Register nomination proposals, using the National Register of Historic Places Criteria for Evaluation, and ensuring such documents are accurate, complete, and technically well prepared;
 3. Reviewing and making recommendations on State Register nomination proposals, using the State Register Criteria for evaluation in conformance with 530 RICR 010-00-1.4(C)(2), and ensuring such documents are accurate, complete, and technically well prepared;
 4. Inviting individuals to offer technical expertise, contribute personal knowledge, or to share professional experience relevant to a pending nomination in addition to regular public comment and participation;
 5. Participating in the review of appeals to rejected National Register nominations;
 6. Reviewing and making recommendations for any removal from either the National Register or the State Register;
 7. From time to time, adopting interpretations or clarifications regarding the application of the National Register of Historic Places Criteria for Evaluation;
 8. Provide advice and comment about documentation submitted to the National Park Service in conjunction with the Historic Preservation Fund including end-of-the-year reports, the state comprehensive historic preservation planning process, and certain grant documentation provided by the SHPO;
 9. Comply with all provisions of the Rhode Island Open Meetings Act (R.I. Gen. Laws § 42-46, *et seq.*);
 10. Performing such other duties as may be appropriate and otherwise advise the Commission when requested.

VI. Membership

- a. The Commission shall appoint members to the Review Board.
- b. All Review Board members must demonstrate competence, interest, or knowledge in historic preservation.
- c. The Review Board must be composed of no more than nine persons.

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- d. The Review Board must include a minimum of five members each meeting at least one of the professional qualifications set forth in 36 CFR 61.4(f)(1):
 1. The Secretary of the Interior's Professional Qualifications Standards for history;
 2. The Secretary of the Interior's Professional Qualifications Standards for historic archaeology or prehistoric archaeology; and
 3. The Secretary of the Interior's Professional Qualifications Standards for architectural history;unless otherwise approved by the Secretary of the Interior in accordance with 36 CFR 61.4(f)(2).
- e. In addition, the Review Board must include at least one professional in each of the following fields:
 1. Pre-Contact Archaeology;
 2. Landscape Architecture;
 3. Historic Preservation; and
 4. Preservation Planning.
- f. The term of office for each Review Board member is three years, beginning on February 1 and ending on January 31 or until the expiration of the term for which the member was appointed. However, of the members initially appointed after July 4, 2020, three of the members shall be appointed for a term expiring on January 31, 2021; three for a term expiring on January 31, 2022; and three for a term expiring on January 31, 2023.
- g. At the start of a new term, each member shall confirm they understand these rules and amendments by signing and dating in the spaces provided below. Signed copies may be retained by the Commission for general record keeping.
- h. The absence of a Review Board member from three consecutive meetings will constitute a voluntary resignation from the Review Board without prejudice. Any resigned individual may be reappointed as a Review Board member by vote of the Commission.
- i. Except as noted in above subsection h, no voting member may be removed from the Review Board other than for just cause.

VII. Officers

- a. The officers of the Review Board are the Chairman, Vice-Chairman, and Secretary.
- b. The Chairman and Vice-Chairman shall be elected from and among the members by majority vote.

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- c. The term of office for each Chairman and Vice-Chairman is one year. With the consent of a majority of Review Board members and the officer, the term of office may be extended for a second year without election. Elections as necessary shall be held annually at the first regularly scheduled meeting subsequent to the first day of March, or as otherwise needed.
- d. The Secretary, an ex-officio and non-voting officer, is appointed to the Review Board by the Executive Director or his/her designee.
- e. The duties of the Chairman are as follows:
 - 1. Preside over regular and special meetings in accordance with the Rhode Island Open Meetings Act (R.I. Gen. Laws § 42-46, *et seq.*);
 - 2. Ensure that members adhere to these rules and procedures and other applicable guidelines;
 - 3. Make committee assignments as necessary;
 - 4. Assign special responsibilities to members when required; and
 - 5. Sign approved minutes prepared by the Secretary and submit those minutes to the Commission.
- f. The duties of the Vice-Chairman are as follows:
 - 1. Assist the Chairman by ensuring public attendance, exhibits, and other items newly-presented to the Review Board at meetings are accounted for; and
 - 2. Preside at meetings and perform all those duties usually performed by the Chairman in their absence.
- g. The duties of the Secretary are as follows:
 - 1. Assure that accurate minutes of all meetings are properly recorded;
 - 2. Handle correspondence as requested by the Chairman; and
 - 3. Schedule and arrange locations for Review Board meetings.
- h. If the Chairman and the Vice-Chairman are not in attendance at a meeting, those members present shall, by majority vote of present voting members, elect a Temporary Chairman.

VIII. Meetings

- a. The Review Board shall meet a minimum of three times with a calendar year. Additional meetings may be held as necessary to complete its work in a timely fashion but no meeting may be scheduled unless a majority (half of the members plus one) of the

membership is planning to attend. Emergency meetings may be called by the Chairman only with notice of ten working days before the intended meeting.

- b. All meetings must be made open to the public for participation. All Review Board meetings must comply with the Rhode Island Open Meetings Act (R.I. Gen. Laws § 42-46, *et seq.*).
- c. Notwithstanding subsection b. above, remote meetings may be held pursuant to any orders or directives given by the offices of the Governor or the Attorney General.
- d. Members are expected to notify the SHPO and the Secretary if they expect they cannot attend a meeting.

IX. Compensation

- a. Review Board members shall serve without compensation but may be reimbursed for their documented reasonable actual expenses necessarily incurred in the performance of their duties.

X. Conflict of Interest

- a. In this section:
 1. “HPF” means Historic Preservation Fund.
 2. “Person” means Review Board members, their employees, agents, and family members.
 3. A “real conflict of interest” exists when a person may benefit (either through financial or personal gain) from the position he/she holds with respect to the HPF-assisted program or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with other persons as defined above. This applies to those persons who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the HPF grant program.
 4. An “apparent conflict of interest” exists whenever circumstances are such that a person may appear to be in a position to benefit (either through financial or personal gain) from the position he/she holds with respect to the HPF-assisted program or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with other persons as defined above. This applies to those persons who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the HPF grant program whether or not such a conflict actually exists. An apparent conflict of interest also exists when a person may appear to have an unfair competitive advantage because of his/her relationship with the Review Board.

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- b. In compliance with R.I. Gen. Laws § 36-14-5 and the Historic Preservation Fund Grants Manual, Chapter 3, Section C:
1. No person may participate through approval, disapproval, recommendation, or other decision concerning any National Register nomination, State Register nomination, or review and compliance case if such a real or apparent conflict exists.
 2. No person may participate in the selection, award, or administration of any HPF-assisted program activity, subgrant, contract, or subcontract if a conflict of interest, real or apparent, exists.
 3. No person may engage in outside employment or have a direct or indirect financial interest that conflict or would appear to conflict with the fair, impartial, and objective performance of assigned duties and responsibilities for administration of the Historic Preservation Fund program.
 4. No person may solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to potential or actual HPF grant awards or associated with a National or State Register nomination.
 5. When a real or apparent conflict of interest situation arises in the context of a voting situation, the person must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process (including presentation and discussion) and neither vote directly, in absentia, nor by proxy in that matter. The recusal and the reasons therefore must be recorded in the meeting minutes. Those in a position to make a decision must be fully informed as to the possible interest of the person abstaining and recusing himself/herself.
 6. When any person is involved in nonvoting situations and a real or apparent conflict of interest situation exists, the person involved must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process. The conflict shall be declared and documented in writing (by providing the name, date, and nature of the conflict) as soon as the situation becomes apparent but, at a minimum, before the issue or action for which the conflict exists is acted upon or brought to resolution. Those in a position to make a decision must be fully informed as to the possible interest of the persons involved.

XI. Amendments

- a. These rules and procedures may be amended by approval of the Commission, provided that the amendment is submitted in writing to each member and to the SHPO no less than thirty days prior to the meeting at which the amendment is to be considered and is approved for proposal at any meeting by a vote of two-thirds majority of the total number of members present.

SIGNATURE

DATE

DRAFT