

CITY COUNCIL WORK SESSION

AFRICAN BURIAL GROUND

April 11, 2005, 6:30 p.m.

Council Chambers

City Council Present: Assistant Mayor Grasso, Councilors Ferrini, Pantelakos, Reynolds, Hynes, Whitehouse, and St. Laurent

City Council Absent: Mayor Sirrell, Councilor Marchand

Officials Present: City Manager Bohenko, Assistant City Attorney Woodland, and Deputy City Clerk Kirby

I. Call to Order

Assistant Mayor Grasso opened the work session at 6:30 p.m. and passed the introduction to Assistant City Attorney Woodland.

II. Introduction

Assistant City Attorney Woodland explained that this meeting was called because of the unmarked graves that were found during a sewer project on Chestnut Street in 2003. She stated that it was determined that the bodies were of African decent. Mayor Sirrell commissioned a Blue Ribbon African Burial Ground Committee to formulate a plan for reinterment. The committee has, early on, put together an abutter's list of those most effected by this discovery and they have been most diligent in attending committee meetings and participating in the committee's proposal. Richard Boisvert, from the state's Division of Historical Resources, is the decision-maker with regard to reinterment under state law. He has held public meetings to solicit public input with regard to reinterment. Public opinion from those meetings is that reinterment will take place at or near the place where the remains were first discovered. The critical issue is where we are going to reinter and how do we make the space for that. After several meetings, it was decided that we needed to try to identify some space along Chestnut Street for this reinterment to take place. Assistant City Attorney Woodland stated that the committee has come up with various options to reinter the bodies and create a memorial. She stated that this project has many steps and that this is only the first step. The committee has not as yet decided on what type of memorial to create or looked into the cost for a memorial. Tonight's meeting is to outline for the Council the committee's plan for reinterment. Assistant City Attorney Woodland introduced Steve Parkinson, Director of Public Works.

III. Presentation – Assistant City Attorney Woodland and Steve Parkinson

Steve Parkinson presented a power point slide showing the background of the African Burial Ground as it evolved using a map from 1700-1800's showing the position of the African Burial Ground to present day Chestnut Street. He went over the various options the committee explored.

Option 1. Make Chestnut Street a one way from State Street to Court Street and create three green areas, which would be enclosed by a brick sidewalk. The green area would be where parking occurs today.

Option 2. Make Chestnut Street a dead end at Court Street and create one green area. Maintain two-way traffic on remainder of the street and maintain parking. It was felt that having cars parked or driving over the area where potentially there are burials, was not a good idea.

Option 3. Dead-end Chestnut Street at Court Street. Leave this a narrow two-lane street, which would create three fairly significant green areas, which basically encompass the current parking stalls as well as the travel lane on the southern part of the street. Moving every thing more to the north side. In this rendition, they were going to tighten up the entrance to the bank. In a review with the bank, it was problematic for them. The committee adjusted it a little and went back to their original plan, keeping the same green areas along the southern part, making Court Street a dead end, continuing the brick sidewalk around the green area and maintaining two way traffic and access to the drive way. This was the final drawing, which was sent to the Council for approval.

IV. Questions and Discussion

Assistant Mayor Grasso opened the meeting for questions and discussion.

Ralph DiBernardo, Traffic and Safety Committee, said the extension of the driveway would be just that, even though they are on public land. They would be dedicated to the access of those properties.

City Manager Bohenko said if approved, the plan would be sent to Traffic Safety and Planning Board before holding public hearings. It will then be brought before the Council for a vote and added to the Capital Improvement Plan. He stated that this is a long process and that there would be various public hearings along the way. The State Archaeologist controls what happens with the reinterment of the remains.

Assistant Mayor Grasso asked why don't we have the State Archaeologist tell us his part in this and maybe that will generate some discussion.

Richard Boisvert, State Archaeologist, stated his job is to identify the bodies and find next of kin. He stated that the bodies are being processed for identification, but a report has not yet been completed. It is going to be a long process. There has been some indication from the bones themselves that these were indeed African and some were slaves. It was the committee's opinion that the remains should be reburied where they came from. They will be buried at the dead end area of the street so as not to disturb anymore graves. In terms of questions, has restricted parking been taken into consideration until the site is complete?

City Manager Bohenko said at this time we have not. It will need to be looked at. Until we start changing the configuration of the road it would be hard to enforce, and any permanent solution will have to be voted on by the Council.

Councilor St. Laurent asked does the green area have to be so large? Is there a question that there might be graves along that? I am looking at the people who live there, having to drive that long driveway, who is going to clean out the snow for them to get into their driveways, etc.

Steve Parkinson stated that the green areas are where we suspect there are more graves. The committee wanted to protect those we know are there as well as those we suspect are there.

Councilor St. Laurent stated that it bothers him that no one has considered removing all the bodies and giving them a proper, respectful place.

Assistant Mayor Grasso said she would let the State Archaeologist answer because he is the one in charge of reinterment.

Richard Boisvert, State Archaeologist, said that there could be hundreds of bodies buried there and it was a cemetery and therefore, should be protected.

Councilor Pantelakos said that this committee has already chosen the option to be brought before the City Council and now it seems we are coming back with other options.

City Manager Bohenko stated that the presentation was presented to show the Council and the public a background history as to how the committee came to their decision. It was not to suggest that we open it up to three options, but to tell the people what work went into getting to this point.

Councilor Whitehouse stated that he never missed a day at the site and was disturbed by it. Like Councilor St. Laurent, he wanted to know if the committee gave any consideration to moving these bodies to another cemetery.

Councilor Hynes said the committee's feeling is that we disturbed a gravesite and we need to reinter the bodies where they were. We need to make it right. He also introduced Valerie Cunningham, a member of the African Burial Committee.

Valerie Cunningham, African Burial Ground Committee, said that consideration was given to removing the graves, but we did not want to remove the bodies from other family that might still be buried there. We want this community to stay together.

Councilor Whitehouse asked if they would have markers?

Valerie said that the committee has not yet discussed how they are going to memorialize the site yet. This was their cemetery and it was dishonored in later years and now it is up to us to correct that. There is no way to know any names, but the committee is working on designing a memorial.

Fred Gray, Traffic & Safety Committee, suggested that the bodies be moved and given a decent resting-place. Moving it would help make up for previous callousness.

Vernis Jackson, African Burial Ground Committee, requested that people be mindful of the fact that a public hearing was held and it was the people who willed them to be put back.

Assistant City Attorney Woodland stated that we do not know the boundaries of this cemetery. We run the risk of missing some graves and possibly splitting families. This idea is not new. New York City has a like instance and they have put the remains back and made a memorial there.

Councilor Hynes stated that this meeting was to brief the public and Council on the first stage of the plan. If on Monday, the Council votes to approve the site we will then move on to the next step.

Jeff Nawrocki said we are dealing with a situation that this cemetery is a valuable historical resource. Sure it is in a crowded area, but the remains should be left there. By closing off this area it will serve as a reminder of how we honor our dead.

Councilor Ferrini said that he spoke with Assistant City Attorney Woodland to ensure that he did not have a conflict of interest as he represents Bank of New Hampshire. Assistant City Attorney Woodland stated that she does not think there is problem at this time, if at a later time a conflict exists, he will have to sustain. He said we appointed a Blue Ribbon Committee to look into and submit a plan, then we should listen to them. We also need to realize that these people were part of a community and should remain with their community.

Councilor Pantelakos stated that she wants to ensure that we are all on the same page with closing off Chestnut Street. We have too many one-way streets already, but this has all been worked out with the committee and the people who live there.

Councilor Raynolds said that he had some discomfort in seeing only a partial plan. He asked about maintenance, snow removal, lawn care and such.

City Manager Bohenko advised that we are here to vote on whether or not to close the street. If that passes, then we will further explore the other problems.

Ralph DiBernardo, Traffic and Safety Committee, said it is important to recognize that we can't take the bodies we know of and put them someplace else and then just say it is now not a cemetery.

Assistant Mayor Grasso advised that we do not have the authority to move the bodies; the State Archaeologist has the authority to decide where they will be reinterred.

Councilor St. Laurent asked what about the Fire Department. He asked if the street closure going to cause any problems there.

Fire Chief LeClaire stated that he had attended some of the meetings and felt that the Blue Ribbon Committee is doing a good job.

Councilor Raynolds said we need to handle this situation with respect for the dead. We are creating a cemetery like space, but we are still going to have snow removal and maintenance. He said maybe we should make a dedication memorial and close the street completely, but we can't, due to the driveways and such.

Councilor Whitehouse asked do the graves extend under more than the street.

Richard Boisvert, State Archaeologist, explained that the cemetery could be larger than we expect and that they do not have direct boundaries. The cemetery was there first! Boundaries have been lost and we should put the bodies back where they were.

Councilor Whitehouse asked in the early maps, where were the cemetery boundaries drawn.

Richard Boisvert, State Archaeologist, stated the maps we have are approximate. No map is exact.

Fred Gray, Traffic and Safety Committee, apologized for his earlier comments. He did not understand the extent the African Burial Ground Committee has put into their plan. He stated he supports the committee's plan.

Councilor Ferrini asked if the Council approves this plan, will it go to the Traffic and Safety Committee and the Planning Board for further study?

City Manager Bohenko stated that it would go to Traffic and Safety to study the impacts that this closure has on other streets in the city.

City Manager Bohenko stated that the Planning Board would hear this only in a Capital Improvement standpoint.

Assistant Mayor Grasso asked if we close the street won't the City Council need a public hearing to do that.

City Manager Bohenko stated that he would defer that question to the Assistant City Attorney.

Assistant City Attorney Woodland stated that she was not sure.

Councilor Pantelakos advised that the committee did go over where the boundaries are.

Valerie Cunningham, African Burial Ground Committee, said we do not know the exact boundaries

Cathy Wheeler, On-Site Archeologist, stated the maps used were from 1705 and 1853 and consisted of the whole West Side and could have as many as 200 graves. It could cost up to \$10,000 each to move the graves. She said she attended some of the meetings with the committee and the community and it was the people who all wanted these bodies to be returned back where they were.

Ronald Cypher, Traffic and Safety Committee, stated it is a shame to try to move these few and separate them from their community and family. We should use this unfortunate incident as an asset to tourism and erect a memorial as to how our city corrects their problems.

Councilor Hynes said the committee chose to memorialize the site we found. He said the council will be asked to approve the first step at Monday's meeting.

Richard Boisvert, State Archaeologist, urged the Council to go forward with the plan of the African Burial Ground Committee.

V. Adjournment

At 7:45 p.m., Assistant Mayor Grasso closed the meeting.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk