

Annual Report on Timbuctoo and Zoning Recommendation

*Prepared for the Westampton Township governing body
updated on December 4, 2018*



Presented on behalf of the
Timbuctoo Advisory
Committee

Guy Weston, MA
December 4, 2018



BRIEF HISTORY OF TIMBUCTOO

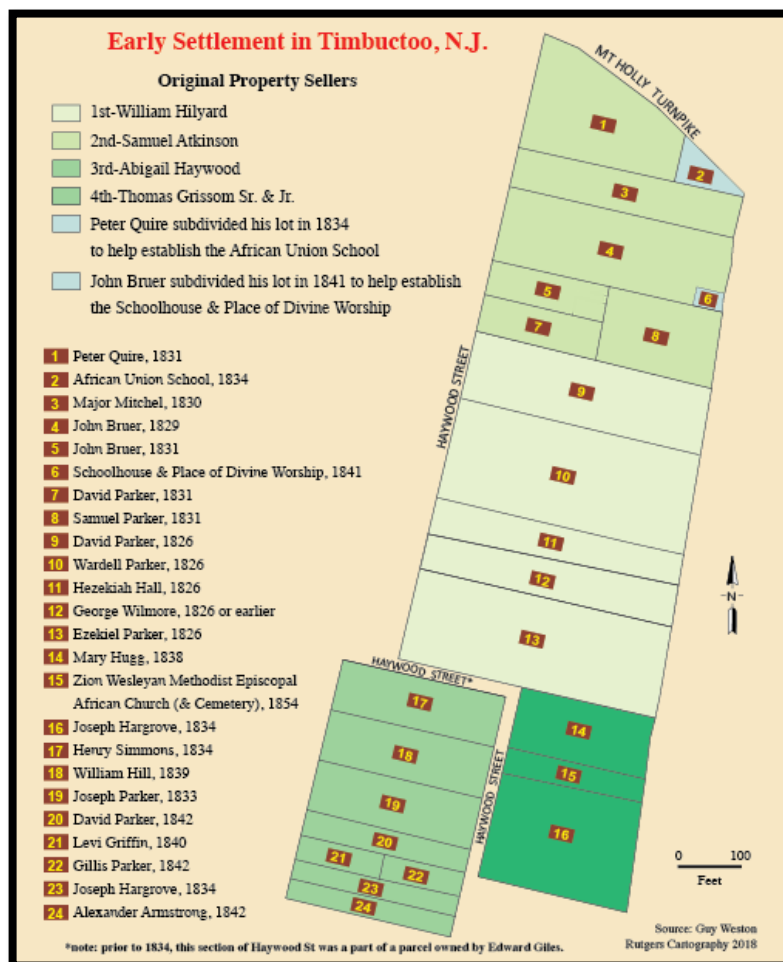
- Timbuctoo is an unincorporated community in Westampton Township, Burlington County, New Jersey, according to the US Geological Survey Geographic Names Information System. Deeds on file in the office of the Burlington County Clerk indicate Timbuctoo was settled by former slaves and free African Americans with the assistance of local Quakers, beginning in 1826. Over the next several decades, Timbuctoo developed into a thriving community, establishing churches, a cemetery, at least two schools, and a benevolent organization. Census records suggest the population reached its peak in the mid-19th century at about 125 people. However, an 1886 report from the Courier Post describes a population of about 600.
- Today the most visible evidence of Timbuctoo's historic past is the cemetery, which includes 11 surviving grave markers. Eight of these are US Colored Troops (USCT) who fought in the Civil War. A Township-funded geophysical survey, (Attachment I) conducted in 2009 identified at least 59 unmarked graves, including several that extend beyond the southern boundary of the cemetery's .22-acre lot. Fencing on this side runs about 16 feet outside of the legal boundary, possibly including some fence posts in grave sites.
- The cemetery's current deed of record is hand-written and dated 1854. It identifies the buyer as the Zion Wesleyan Methodist African Church, a congregation of the African American Episcopal Zion (AME Zion) Church in America, which still exists today. Some accounts indicate this church became Wesley AME Zion Church, currently located in Burlington, while others indicate the congregation ceased to exist in the early decades of the 20th century and/or merged with another congregation of the same denomination, i.e.: Wesley. In both the Burlington County Clerk's Office and the Westampton Township Tax Assessor's Office, the deed is filed under "Colored Cemetery." This is likely a pseudonym used because the legal owner was not known.
- The oldest marked grave in the cemetery is from 1847. This was the grave of Eliza Parker, wife of community leader David Parker. The other two non-military graves were Parker's second wife and son. Given the deed history, cemetery rules described in an 1854 legal document, civilian graves as early as 13 years before the Civil War, as well as female and child names associated with some of the unmarked graves, it is apparent that the cemetery was established by a church and the USCT were buried there because of their association with the church. Just like today, veterans had government provided more durable stone grave markers, while



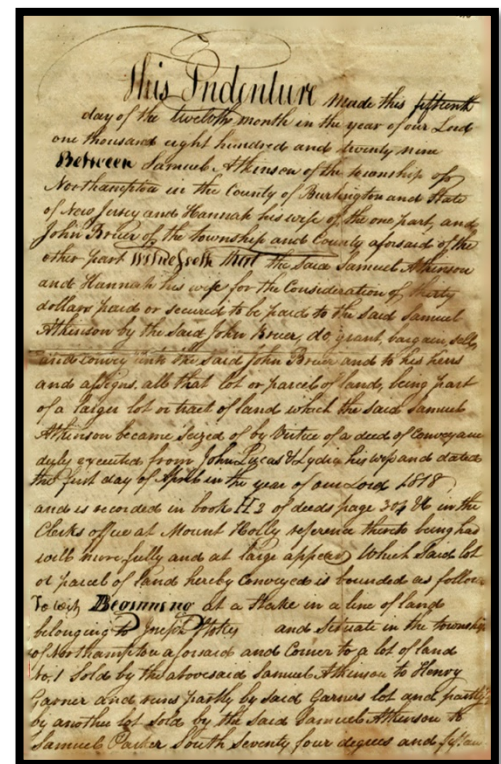
wooden grave markers were common in the population at large. These would not survive time. The newest grave marker is dated 1922.

- In 2011, Timbuctoo was awarded a Certification of Eligibility for listing on the New Jersey and National Registers of Historic Places for its “association with the emergence of (antebellum) free black communities in New Jersey,” and for its “ability to contribute important information to African American History.” The nomination package to complete this designation includes of a narrative of approximately 35 pages. Attachments could easily reach or exceed 35 pages. In a national context, Timbuctoo is somewhat unique in the amount of documentation available and the compelling historical insight that is available as a result. Available resources include antebellum newspaper accounts from the New Jersey Mirror, antebellum vital records, and an extensive quantity of property and legal records, maintained by the offices of the County Clerk and the County Surrogate.

Timbuctoo Landowners, 1826-1845. John Bruer and David Parker are ancestors of current property owners



Original deed page from John Bruer's 1829 purchase.
 Currently owned by descendant Mary Weston



CURRENT GEOGRAPHY OF TIMBUCTOO

Timbuctoo is bound by Rancocas-Mount Holly Rd and the Rancocas Creek and includes areas adjacent to Church Street and Blue Jay Hill Lane. An area map appears below:



Geographic Details ¹		
Land area of area currently known as Timbuctoo	51.77 acres	<i>Consists of lots adjacent to Church St and Blue Jay Hill Rd. Timbuctoo is an unincorporated place; as such, there are no legally defined boundaries. These boundaries are based on oral history.</i>
Land area of Timbuctoo Archeological Historic District	27.3 acres	<i>Smaller area consisting of lots on the west side of Church St only, defined by researchers in 2010 based on criteria they established.</i>
Land area of Township-owned parcels in Timbuctoo	11.95 acres	<i>Most of these lots are extremely small (<15 acre and not buildable). Some were acquired through an unsuccessful adverse possession claim in the 1990s. Two of the largest ones were purchased as Green Acres acquisitions in 2015 and 2016.</i>
Number of Township-owned parcels in Timbuctoo	23	

¹Total land area may have a margin of error of a fraction of an acre due to incompleteness of some property records. Research is ongoing.

RESEARCH AND HISTORIC PRESERVATION EFFORTS

Beginning in 2009, researchers from Temple University formalized their interest in Timbuctoo as an archaeological site. Three excavations were conducted between 2009 and 2011. Westampton Township participated by convening a Timbuctoo Advisory Committee composed of archaeologists, historians, descendants and interested community members. Press attention to these efforts



was substantial, including front page coverage in the Philadelphia Inquirer and the Washington Post, as well as broadcast coverage. During this initial period, membership of the Timbuctoo Advisory Committee was open to all interested parties. The Township also made a substantial financial investment of at least \$213,516.32 which included the following:

Item	Cost	Timeframe	Details
Geophysical Survey	\$ 22,016.32	2009	<i>Actual cost Ground-penetrating radar used to create maps of subsurface features of interest for archeological excavation. In this case, also identified unmarked cemetery grave shafts (sample attached as Appendix I)</i>
Archeology	\$ 26,500.00	2009-2011	<i>Estimate (my recollection in consultation with archeologist) Included stipends to archeology graduate students and supplies. Principal Investigator provided his services pro-bono</i>
Purchase of land parcel with house	\$ 120,000.00	2015	<i>21 Blue Jay Hill Rd. Green Acres Acquisition. 2.09 acres. House was demolished c. 2016</i>
Purchase of land parcel with house	\$ 45,000.00	2016	<i>114 Church St. Green Acres Acquisition. 1.53 acres. House in need of substantial repair. Timbuctoo Advisory Committee is working with the Salt and Light Company to assess feasibility of rehab to create a Timbuctoo museum, including fundraising. This purchase was initiated by the Salt and Light Company CEO, who obtained the property inexpensively due to his agency mission and offered it to the Township for purposes related to Timbuctoo</i>

CURRENT TIMBUCTOO COMMITTEE

In 2015, the Westampton Township Committee adopted Ordinance 6-2015, which established the Timbuctoo Advisory Committee as an official advisory body, charged with advising the Township Committee on historic preservation issues related to Timbuctoo as well as conducting educational programs to raise awareness of Timbuctoo's historic significance in the community at large. The ordinance was replaced by Ordinance 1-2018, adopted by the Township Committee in February 2018. The ordinance appears as Attachment II at the end of this report. The replacement ordinance retains the mission described in the 2015 ordinance. Up to now, the committee has spent most of its time on community education and outreach activities, highlighted as follows:

Accomplishments 2017-2018

- Erected sign on Rancocas Road identifying Timbuctoo as a Westampton community established in 1826. Grant funding obtained from the Walmart Foundation through collaboration with American Legion Post 509.
- Obtained grant funding from Burlington County History Partnership Program to install four interpretive storyboards in the Timbuctoo Cemetery describing the history of the community, the cemetery and the church that founded it, and the US Colored Troops and civilians buried there. Collaborated with Wesley AME Zion Church on funding and sign content; Boy Scout Troop 117 on sign content. Significant logistical support from Westampton Township.
- Planned and executed Timbuctoo Day in September 2018, commemorating 192nd anniversary of Timbuctoo's founding in September 1826. Unveiled new interpretive storyboards; honored nonagenarian Timbuctoo descendants and US Colored Troops in the cemetery. Record crowd of about 200 attended. Significant logistical support from Westampton Township.
- Conducted educational presentations targeting academic and community audiences, including Rutgers University, (Camden) Howard University (Washington, DC), Association for the Study of African American Life and History (national conference; held in Indianapolis in 2018) as well as multiple Burlington County groups.
- Identified an attorney to quiet the cemetery title and provide advice on related legal issues.
- Applied to the Burlington County History Partnership Program for 2019 funding to develop curriculum and materials on Timbuctoo in accordance with Social Studies standards established by the New Jersey Department of Education. A Westampton Middle School teacher serving on the Timbuctoo Advisory Committee will have a lead role, if funding is received. Notification expected very early in 2019. Collaboration includes several active and retired educators serving on the advisory committee and associates.

Priorities for 2019

- Development of a strategic plan to identify short- and long-term goals.
- Development of curriculum as identified above, if funding is received.
- Development of cemetery preservation plan, including physical upgrades, historical and archeological research, as well as resolution of the title problem.
- Continuation of educational activities, including special training class to equip other committee members and interested persons to conduct educational presentations.
- Establishment of mechanism to solicit and administer grant funding to support priorities such as those listed above.

Membership of Timbuctoo Advisory Committee

Denita Curry	Westampton Township Resident
JoAnn Donnelly	Westampton Middle School
Rev. Thomas Gortman	Wesley AME Zion Church
Sandy Henley	Westampton Township Committee
Eric Orange	Burlington County Division of Parks
Machell Still-Pettis	Westampton Township Resident
Guy Weston	Timbuctoo Descendant
Mary Giles Weston	Timbuctoo Descendant
Lynda Williams	Westampton Township Resident

Associates (Active participants not appointed by the governing body)

Nancy Burkley	Westampton Township Resident
Rev. Cory Jones	Tabernacle Baptist Church
Joyce Payne	Wesley AME Zion Church
Kent Pipes	Salt and Light Company

Recommendation to Westampton Township Committee regarding R-1 Zoning in Timbuctoo

Background

Chapter 250 of the Westampton Code was adopted by the Township Committee on August 10, 1987 and was amended multiple times during the last three decades. Its purpose is defined as “to establish a pattern for the use of land and buildings based upon the Master Plan and enacted in order to promote and protect the public health, safety, morals, comfort and convenience and the general welfare of the people.” The chapter goes on to discuss regulation of the use of land within zoning districts, as well as establishing said districts, and depicting them on a map. The entirety of Timbuctoo is zoned as R-1. R-1 is a Residential Zone, permitting one-family dwellings on one acre lots, farms, certain accessory buildings and structures, and certain conditional uses. There is no provision for cemeteries, or any type of signage in R-1 zones.

The Timbuctoo cemetery was incorporated on **December 23, 1854** and the land was purchased on **December 17, 1854**, according to the corporation certificate and deed on file in the office of the Burlington County Clerk. In addition, the Timbuctoo Archeological and Historic District, of which the cemetery is a prominent feature, was issued a Certification of Eligibility for listing on the New Jersey and National Registers of Historic Places on March 1, 2011. Clearly, the presence of the cemetery in Timbuctoo was disregarded when the R-1 zone was designated. Moreover, impending listing on historic places registers previously noted can pose different questions relative to land and building use. Given the fact that the presence of the cemetery preceded the zoning designation by some 133 years, we do not believe it is fair, equitable, or respectful to our dead to subject efforts designed to preserve history, honor historically distinguished veterans, or commemorate the dead to a cumbersome variance process, based on an *ex-post-facto* zoning regulation. This is particularly true in cases of signage that might otherwise be considered routine in a cemetery. We believe the best course of action would be to work closely with the Land Development Board and the Historic Preservation Commission to draft or facilitate drafting of amendments to Chapter 250 of the Westampton Code that would address uses relevant to cemeteries and historic districts.

Case Scenario

The importance of this concern is underscored by the Timbuctoo Advisory Committee’s recent experience to erect signage in the Timbuctoo cemetery, as follows:

1. On September 29, 2017, Westampton Township applied for funding from the Burlington County History Partnership Program to develop and install signage for the cemetery on behalf of the Timbuctoo Advisory Committee. Notification of funding was received by the Township on February 6, 2018. Information regarding pertinent regulatory issues was requested in writing of the Zoning and Construction Official at the time of application and notification receipt. However, detailed conversation was deferred until June when the sign

order was placed. At that time, it came to our attention that a variance application to the Land Development Board would be required. This requirement was later withdrawn.

2. It quickly became clear that there was not consensus among the staff or the governing body as to whether a variance should be required. It also became clear that the sign project had been characterized as a private endeavor, when, in fact, The Timbuctoo Advisory Committee only exists as a Township entity; and its members are appointees of the Township Committee. Funding for the signs was requested of the County by the Township and was administered by the Township. The signs were clearly a Township project. As such, the Township had adequate internal controls to ensure that any regulatory concerns regarding their installation were addressed. In the words of a former Township Committee member who served during that period “it should not be necessary for the Township to *appear before itself*,” to get this done properly.
3. Due to the absence of a legal owner, The Timbuctoo cemetery has a long history of inadequate attention, with various community groups volunteering time and effort to make up for the lack of a formal administrative structure. As recently as 2016, Boy Scout Troop 117 was referred by the Township to the Timbuctoo Advisory Committee regarding replacement of a sign they installed, for which the Township did not require a permit. Prior well intended efforts include installation of a fence 16 feet outside the cemetery boundary that appears to penetrate gravesites, and a marker that inaccurately renamed the cemetery. The Township took no action in response to these efforts.
4. Given the foregoing, the Township’s approach to the sign project seemed unusual. The fact that we were requested to get a utility mark out to ensure that no utility lines run underground in the cemetery underscores this point. This is a simple process, so we did it. However, the request invoked NJ invoked laughter from the 15-year veteran of the utility locating official processing the request, who never heard of a utility mark out in a cemetery. Why then, would utility mark outs not be required for cemetery interments? This unique experience begs questions: How often are sign installations in Burlington County cemeteries treated in this fashion? Why would Westampton be different? How is the public interest served by this approach, especially given the history of inadequate attention to the cemetery, the mission of the Timbuctoo Advisory Committee, and the committee’s accomplishments?

In brief, we are very happy to follow the rules, but if they are written solely with single family dwellings in mind, without regard to historic preservation or cemetery preservation, a discussion should be had to assess the efficiency and fairness of the current approach. Based on the variety of opinions and perspectives from various officials regarding the sign installation, it would seem that zoning regulations specific to cemeteries and historic sites would be helpful.

Attachments

Attachment I

Geophysical Survey

Attachment II

**Ordinance Establishing the
Timbuctoo Advisory Committee**

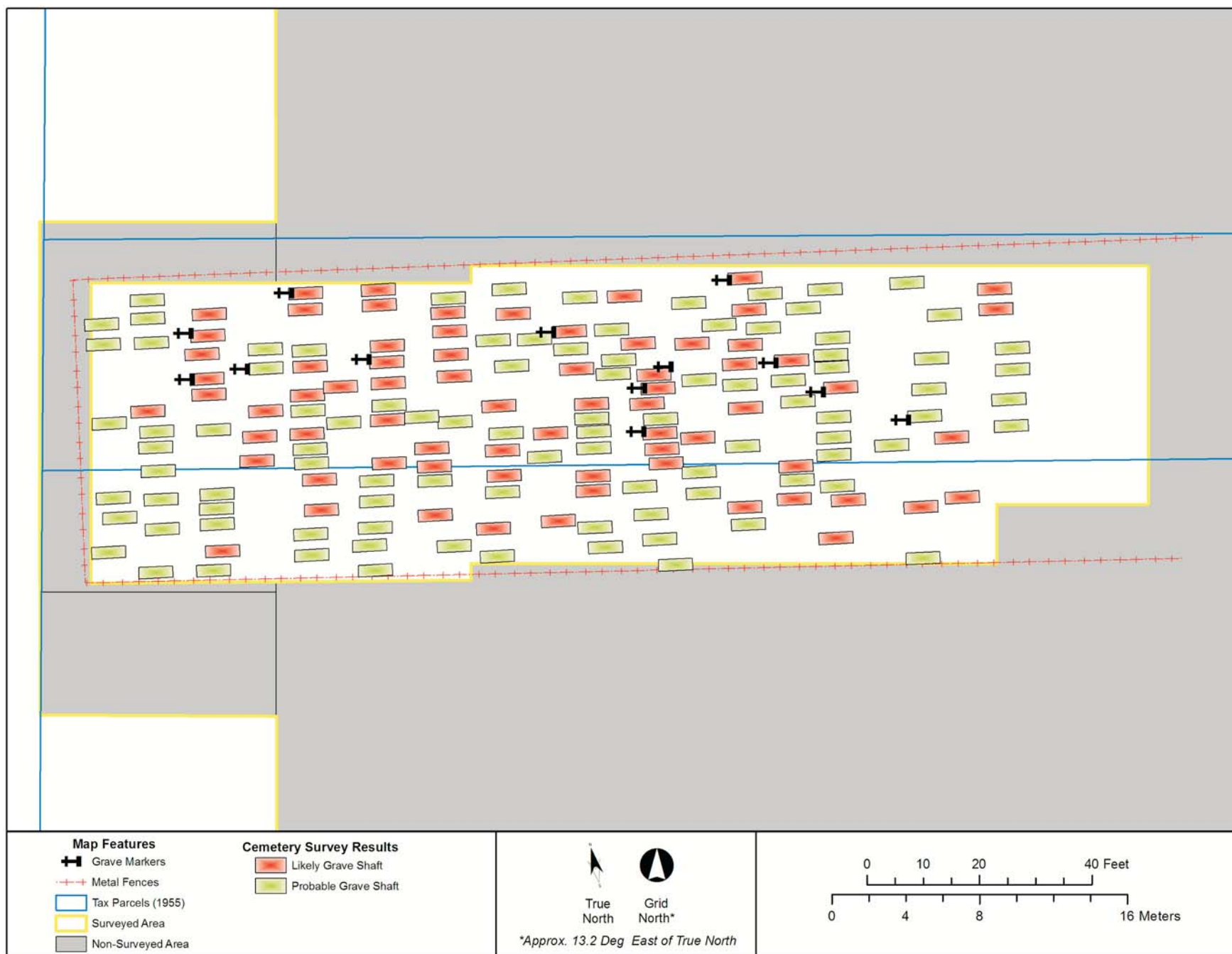


Figure 15. Results of ground-penetrating radar survey at the Timbuctoo Cemetery Area.

TOWNSHIP OF WESTAMPTON

ORDINANCE OF WESTAMPTON TOWNSHIP TO REPEAL AND REPLACE CHAPTER 73 OF THE CODE OF THE TOWNSHIP OF WESTAMPTON, TIMBUCTOO ADVISORY COMMITTEE

ORDINANCE NO. 1-2018

WHEREAS, the Westampton Township Committee recognizes the historic significance of the Timbuctoo Settlement, located along the Rancocas Creek in Westampton Township; and

WHEREAS, the Township Committee for the Township of Westampton wishes to recognize that Timbuctoo was settled by free African-Americans and former slaves, and that a community was established for the first time in the United States on their own land, within the Township of Westampton, and the Committee desires to further promote the historical significance of Timbuctoo, educate the public at large as to its significance, and further preserve the Timbuctoo site within Westampton Township;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Committee for the Township of Westampton that Chapter 73 entitled Timbuctoo Advisory Committee is amended to read as follows:

§ 73-1. Purpose and name.

- A. The purpose of the Timbuctoo Advisory Committee is to advise and assist the Township Committee, Land Development Board, Historic Preservation Committee, all municipal departments, committees and officials on all issues related to the historic significance of Timbuctoo.
- B. The Committee established by this chapter shall be known as the "Timbuctoo Advisory Committee"
- C. The Timbuctoo Advisory Committee shall act only in an advisory capacity and may make recommendations as it relates to Timbuctoo and the archaeological sites associated with Timbuctoo, as located within the Township of Westampton along the North Branch of the Rancocas Creek.

§ 73-2. Members; terms of office; vacancies.

- A. There is hereby established the Timbuctoo Advisory Committee to the Township of Westampton, which shall consist of up to seven members, who shall be appointed by the Township Committee, shall serve without salary or other compensation, and shall each be removable from office by the Township Committee at any time without cause, upon a vote of a majority of all members of the Township Committee.
- B. Appointments.

- (1) Class A. One member of the Timbuctoo Advisory Committee shall be a member of the Westampton Township Committee. Said member of the Timbuctoo Advisory Committee shall serve for a term of one year.
- (2) Class B. Two members of the Timbuctoo Advisory Committee shall be decedents of the Timbuctoo Settlement Village. Said descendants shall be verified as being descendants of Timbuctoo in a manner prescribed by the Westampton Township Committee. If a descendant of the Timbuctoo Settlement Village should not be available, an additional Class C member shall be appointed for the term. Said terms for descendant members of the Timbuctoo Advisory Committee shall be for three-year terms, except that the initial terms upon creation of the committee and appointment shall be staggered as follows:
 - (a) One descendant member shall be appointed for a term with an initial expiration date of December 31, 2016; and
 - (b) One descendant member shall be appointed for a term with an initial expiration date of December 31, 2017.
- (3) Class C. Six members of the Timbuctoo Advisory Committee of which at least four shall be residents of Westampton Township. The Township Committee shall give preference to residents, veterans, members of the Westampton Historical Preservation Committee and individuals who expertise in areas such as archaeology, New Jersey history, historic preservation, African American studies, genealogy, press relations, event planning or grant writing. Class C members shall be appointed to three-year terms, except that the initial terms upon creation of the three additional committee members be staggered as follows:
 - (a) One member shall be appointed for a term with an initial expiration date of December 31, 2018;
 - (b) One member shall be appointed for a term with an initial expiration date of December 31, 2019; and
 - (c) One member shall be appointed for a term with an initial expiration date of December 31, 2020.

§ 73-3. Organization; officers and meetings.

- A. A re-organization meeting shall be held annually during the month of January, except for an initial re-organizational meeting, which shall occur no later than 60 days following the adoption of this chapter and establishment of the Timbuctoo Advisory Committee. At such a meeting, the Timbuctoo Advisory Committee shall elect a Chairperson, Vice Chairperson and Secretary from the Committee. The Committee shall hold at least one regular meeting quarterly. Committee procedures shall comply with the Open Public Meetings Act. A majority of all members shall constitute a quorum; in the event of any vacancies on the committee at any time, then a majority of all then-existing members shall constitute a quorum.
- B. The Timbuctoo Advisory Committee Secretary, to be selected among Committee members, shall keep minutes of all of its proceedings.

§ 73-4. Powers and duties.

The Committee is established to assist in the promotion of Timbuctoo and its historic significance to the Township of Westampton, Burlington County, State of New Jersey,

and the United States. The Committee is further established to promote the education of the public as to the historic significance of Timbuctoo, foster the preservation of Timbuctoo and its location for future generations to enjoy and understand the history of Timbuctoo. The Committee shall have the following functions:

- A. Promotion of the management of the Timbuctoo site, its resources and archaeological treasures.
- B. Foster the Timbuctoo site and encourage the careful preservation of the archaeological site known as "Timbuctoo."
- C. Planning and implementation of programs to educate local residents, school children, and the public at large regarding Timbuctoo, its history and heritage.
- D. Maintaining an inventory of the Timbuctoo artifacts, including documenting all artifacts located therein.
- E. Assisting the Township Committee in the maintenance of the Timbuctoo site, and its appropriate use for publicly owned open space within Timbuctoo and its surrounding areas in the Township of Westampton.
- F. Assisting the Township Committee, Land Development Board and other Township departments and committees in Timbuctoo's historic significance to the Township of Westampton for the purpose of long-range planning for Timbuctoo.
- G. Reviewing, researching and identifying potential grant opportunities to be utilized at Timbuctoo in furtherance of the goals as established by this chapter and committee.
- H. Providing advice to the Township Committee concerning the presentation of literature and other advertisements as to the significance of Timbuctoo within the Township of Westampton.
- I. Appointing special advisors to work pro bono with the Timbuctoo Advisory Committee and the Township on special projects.
- J. Performing such other duties as directed by the Westampton Township Committee.

BE IT FURTHER ORDAINED that one copy of this Ordinance shall be placed on file with the Township Clerk for the Township of Westampton.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication as required by law.