

MSAD #22 Board of Directors  
Hampden Academy  
1 Main Road North  
Hampden, ME 04444

October 25, 2010

Town of Hampden  
106 Western Avenue  
Hampden, ME 04444

Town of Winterport  
P.O. Box 559  
Winterport, ME 04496

Town of Newburgh  
2660 Western Avenue  
Newburgh, ME 04444

Dear Council and Selectboard Members,

This letter responds to your letter dated September 27, 2010 to the SAD #22 Board Members regarding concerns related to the Board's vote to retain the existing Hampden Academy property. As we all have affirmed, the existing Hampden Academy property has many possibilities, some of those outlined in the WBRC visioning report (attached). Your letter asked the Board to consider and respond to questions raised in your letter, and we have attempted to do that here.

Before addressing your specific concerns, it is important to put this matter into context. When the School District received approval to build a new high school, the first step in the process was to determine whether to locate the school on the existing Academy property or somewhere else within the three communities. WBRC led a visioning process which ultimately led to the conclusion that the new school should be built on Western Avenue in Hampden. During that process, the District received extremely valuable input from community members about potential uses of the property once students and staff are relocated to the new school in the fall of 2012. In fact, WBRC captured those ideas in a report to the Board in late 2009. The report demonstrates there is support for a number of possible uses, including educational uses, on the property. A copy of that report is attached.

The report, however, is only a beginning. As the owner of the property, the Board is, by law, responsible for determining whether the property can be used for an educational purpose, now or in the future. The Board takes this responsibility very seriously. After much debate earlier this year, the Board voted at its July 7, 2010 meeting to retain the property. Although the Board has not yet determined what it will do with the property, it concluded that it is premature to decide that the property has no educational purpose.

The Board has assigned the responsibility for assessing potential options for the property to its Re-Use Committee. The Committee is chaired by Peter Buzzini. Committee members include Kelly Bickmore, Chris Cox, Liliane Deighan, and Martha Harris. In forming this Committee, it has always been the Board's intention to work closely with others to help it analyze various options. This sentiment was stated affirmatively by the Board at its July 7 meeting, and by Superintendent Lyons in his project update in the August edition of the LINK-22. Mr. Lyons stated, "[d]uring the next two years, we will be working closely with the Town of Hampden and other agencies and organizations to determine the various options for re-use of the facility. We are currently talking with the Eastern Maine Development Corporation (EMDC) and the University of Maine Innovations Center about a feasibility study...". All Committee meetings are open to the public and anyone who is interested is encouraged to attend. Upcoming Ad Hoc Committee meetings are posted on our website, [www.sad22.us](http://www.sad22.us).

Finally, the Board recognizes there are different opinions about what to do with the property. As it undertakes its review, the Board will give due consideration to all viewpoints. Vigorous debate is expected. In return, the Board asks that you respect its process and allow it to complete the task of evaluating potential uses for the property.

The Board's responses to the five concerns noted in your letter are set forth below.

#### Concern # 1. Cost, Condition, & Timing.

Response: The Board is very cognizant of the costs associated with maintaining and operating its property. The Board adopts an annual budget that includes maintenance and operations costs. The Board routinely reviews those costs to ensure taxpayer dollars are being spent wisely. Further, as taxpayers in the three communities comprising SAD #22, Board members are very sensitive to the impact the school budget has on community members. In making its decision on the re-use of the property, the Board will certainly consider the ongoing cost of maintenance and the burden on taxpayers.

#### Concern #2 Mission & Legal Standing.

Response: When a school building is closed, by law it remains under the control of the local school board. The board can use the building for educational purposes. It can also lease the building for its fair rental value if there is a reasonable likelihood that the building will be needed again for educational purposes. Accordingly, the task of the SAD #22 Board over the next two years is to determine whether there is a reasonable likelihood that the property will be needed for educational purposes. If there is an immediate educational purpose, the Board can elect to pursue that option. If there is no immediate educational purpose, but the Board determines the property may again be needed for educational purposes, then the Board has options as to how the property may be used in the interim.

The phrase “educational purposes” is not defined in Maine’s statutes. However, the core mission of school administrative districts, like SAD #22, is to manage school property for the operation of kindergarten through grade 12 schools. To accomplish this, SADs are empowered to raise money for establishing and maintaining public schools, erecting buildings, and providing equipment. The money required to operate and maintain school buildings is included as part of the annual budget. The budget of an SAD is approved by the voters of the school administrative district. Therefore, district voters have the final say as to the appropriateness of the Board’s choices in the budget. At this time, it is premature to conclude that the property has no educational purpose. While the Board appreciates the concerns expressed in the letter, it is committed to fully exploring uses of the property.

### Concern # 3 Public Perception

Response: The Board believes it has been clear in its intent with respect to the existing Hampden Academy property. From the beginning, the Board has sought public input regarding the use of the property and consulted with WBRC to gain a better understanding of the physical condition of the property. Once it was determined that the new high school would be built off the current site, the Board made the commitment to conduct a full investigation with respect to its options once students and staff are relocated.

The Board recognizes that there are a variety of opinions as to what the Board should do with the property. However, the law expressly allows the Board to keep the property if, in its judgment, there is or will be an educational purpose for the property.

### Concern # 4 Transparency

Response: Concern #4 presumes actions, i.e., turning over funding decisions to a non-profit organization, that have not yet been discussed or even contemplated by the Board. Suffice it to say, however, that the Board is a public entity, and conducts its business in accordance with the Freedom of Access Act, as do the three towns. In evaluating its options with respect to the property, it will conduct its business in accordance with the law.

### Concern # 5 Need

Response: While the signatories to the letter may have reached the conclusion that the property cannot serve an educational purpose, the Board has not reached that conclusion. The Board intends to let the Ad Hoc Committee complete its work and make a recommendation before reconsidering its decision to retain the property.

To summarize, the Board is legally obligated to thoroughly explore potential re-use options with the existing Hampden Academy property. The Board is committed to an open process to explore the options. We, like you, view this property as a significant asset and are committed to examining viable options for educational purposes.

Cordially,

This letter is authorized by the vote of the SAD #22 Board of Directors.