

Chris Witulski

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Cc: "John Briggs" <BriggsJ@nemcsa.org>; "Tom Townsend" <ttownsend@ratownsend.com>; "Joe Gentry" <jgentry@first-federal.com>; "Christine Witulski" <cwitulski@bessermuseum.org>; "Joynton, Olin" <joyntono@alpenacc.edu>
Sent: Thursday, September 12, 2013 11:03 AM
Subject: ACC-Museum Agreement

Thank you, Ed, for responding to my inquiry about additional reasons for the Besser Museum's request that we delete Paragraph 5 from 1992 separation agreement with Alpena Community College. Your message came to me with a prohibition against sharing with others. Therefore, I am not responding directly to your remarks because I have copied Trustees John Briggs, Tom Townsend, and Joe Gentry, who comprise the ACC Board's Property Subcommittee.

Our consensus is to deny the request for three main reasons:

1. About ten years ago, before you and Mrs. Witulski were in your current positions, the Museum did proceed with construction of a fence between our properties without consultation and approval from ACC. This violated the agreement, and the result did not go well for us – not only from an aesthetic perspective but also because unfounded accusations about ACC students were reportedly used by Museum personnel as *ex post facto* explanations for the fence. This experience reminded us of why we do place value on the permission clause in the agreement.
2. Your letter of August 30 refers to the "bureaucratic burden" for both institutions of retaining the paragraph. However, we do not regard the requirement as burdensome. And to protect the Museum, Paragraph 5 does state that "the College will not unreasonably withhold its approval so long as changes are consistent with the operation of the premises as a museum and planetarium, and aesthetically and functionally in keeping with the existing use of the facility." In effect, the College recognizes its responsibility to expedite action of approval under the conditions listed.
3. The Trustees of the Besser Foundation, in their authorized roles of protecting Mr. Besser's aims in donating property and other assets, does require ACC to seek its permission and honor its reverter conditions for use and disposal of most property parcels donated by Mr. Besser to the College. We do not regard these processes as bureaucratic burdens, and they have never impeded our aspirations for legitimate uses of the property. Instead, we regard them as good ways to show respect for Mr. Besser's legacy with an appropriate system of checks and balances. I imagine that Paragraph 5 was included in the 1992 separation agreement in the same kind of spirit, which we deem it best to uphold.

We hope that you understand, and we pledge to make the requirements of the agreement work as smoothly as possible for the Museum.

Olin

