



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
BUREAU OF FACILITIES AND ENGINEERING/STATE ARMORY BOARD
FT INDIANTOWN GAP, ANNVILLE, PA 17003-5002
Phone: (717) 861-2915

March 12, 2002

The Honorable Paul W. Semmel
House Post Office Box 202020
Harrisburg, PA 17120-2020

MAR 19 2002

Dear Mr. Semmel:

This letter is in response to your correspondence of March 4, 2002, to General Lynch, The Adjutant General, on behalf of Mr. James W. Schwoyer and the Borough of Kutztown, concerning the property rights of our old Kutztown National Guard Armory.

The current Pennsylvania Consolidated Statutes (PCS), Title 51, Military and Veterans Code, Chapter 15, SS 1507 (a) states; "Whenever, in the opinion of the Armory Board, any armory building, armory site, or other real estate owned by the Commonwealth is no longer suitable for military services due to change in population or to the needs of the military service, the board may sell the property in accordance with law." It is current DMVA policy to obtain an independent real estate appraisal for any armory we intend to vacate and sell. We then work with the Department of General Services (DGS), Bureau of Real Estate, and propose legislation, based upon the appraisal, authorizing the sale of the armory to any interested party at fair market value or to the highest bidder.

PCS, Title 51, Chapter 15, SS 1507 (b) also provides that the proceeds received from the sale of an armory are paid to the State Treasury Armory Fund for use in repair and maintenance of our other armories. As you may know, we currently have a statewide maintenance and repair backlog in excess of \$37,000,000 for our 96 armories; therefore, any funds we receive from the sale of armories help offsetting this tremendous maintenance and repair backlog.

I will have the independent appraisal for the Apple Alley Armory site by Friday, March 22nd. I recommend that, after we know the fair market value, I contact your office and schedule a meeting with you or your representative and DGS, Bureau of Real Estate, to craft legislation for the conveyance of this property. I'm confident that we can reach a resolution that meets the letter of the law, DMVA's financial needs, and the needs of the Borough of Kutztown.

If you have any further questions, comments or concerns, please call me at (717) 861-2915. Thank your for your continued support of the Pennsylvania National Guard.

Sincerely,

DUKE MUNFORD
Director, DMVA
Facilities & Engineering/State Armory Board

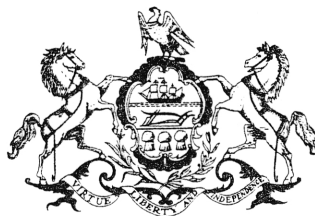
PAUL W. SEMMEL, MEMBER
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MACUNGIE BOROUGH HALL
PHONE: (610) 966-0187

UPPER MACUNGIE TOWNSHIP BUILDING
PHONE: (610) 395-8180

KUTZTOWN BOROUGH HALL
PHONE: (610) 683-9199



House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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HOUSE MAJORITY POLICY COMMITTEE

DESIGNATIONS

DEPARTMENT OF MILITARY AND
VETERANS AFFAIRS
STATE ARMORY BOARD
PENNSYLVANIA EMERGENCY
MANAGEMENT AGENCY

March 4, 2002

William B. Lynch
Adjutant General
Military and Veterans Affairs
Building 200 S-0-47
Fort Indiantown Gap
Annville, PA 17003-5002

Dear Adjutant General Lynch:

I am writing to you on behalf of the Borough of Kutztown. The purpose of my letter is to inquire about the possibility of having the Borough of Kutztown reclaim the property rights to the Kutztown National Guard Armory, which is now vacant.

Enclosed, you will find a letter from Mr. James W. Schwoyer who is the retired mayor of Kutztown. I would appreciate your review of this letter and your thoughts on the possibility of bringing this transfer into fruition.

Thank you for your time, efforts and considerations on this important matter.

Best regards,

A handwritten signature in cursive script that reads "Paul W. Semmel".

PAUL W. SEMMEL
Representative, 187th District

PWS/prh

Enclosure

cc: Albert Rutherford, Legislative Liaison Officer

PAUL W. SEMMEL, MEMBER

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MANAGEMENT AGENCY

June 28, 2002

Eric A. Ely
President of Council
Borough of Kutztown
319 West Main Street
Kutztown, Pa 19530-1605

Dear Mr. Ely:

I am writing to you and your fellow council members in regard to an issue brought to me by Councilman James Schwoyer regarding the possibility of your borough acquiring the Kutztown Armory which has been deemed surplus state property by the Pennsylvania National Guard.

The purpose of my letter is to open up a more direct line of communication between the parties with a vested interest in this endeavor, thereby assisting both the Borough of Kutztown and the Pennsylvania National Guard in attaining an optimal solution which will benefit both parties.

In view of recent discussions that I have had with the DMVA, I have learned that there was no "Reversion Clause" inserted in the original land transfer agreement which established the presence of this National Guard Armory in Kutztown, PA. As well, I am very cognizant of the law under Title 51 (Military Affairs) which enables the PA National Guard to finance the maintenance and repairs of its armories, via monies collected through the sale of existing facilities/armories that are no longer used by the PA National Guard.

At the present time, the PA National Guard has approximately a \$37 million backlog in Armory repair and maintenance projects. As well, this year's state budget has only a proposed \$1.6 million line item to fund this maintenance and repairs backlog.

Having stated these necessary facts, I wanted to inform you that it may be possible to have DMVA consider a reasonable offer, one which is below appraised value, for the purchase of this Armory, via legislation which would authorize the transfer of this armory to the Borough of Kutztown. For your review, should you choose to consider this course of action, I have enclosed a DMVA appraisal of this property. I would suggest that you have your own real estate person(s) examine this property, specifically noting features which you feel should be considered in regard to lowering this \$150,000 appraisal estimate. After doing so, you can then present DMVA with

June 28, 2002

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an offer that you and your colleagues would consider to be a fair value that both parties can agree on. My office will assist your efforts in all ways possible on this matter.

If you should have any questions in regard to this subject matter, please do not hesitate to contact my office. Overall, it is my hope that the Borough will be able to acquire this Armory at a reasonable price, while at the same time allowing the Department of Military and Veterans Affairs (DMVA) to be fiscally responsible in these hard economic times. To put it bluntly, it is hard for the DMVA to ask the legislature for more funding to subsidize the \$37 million maintenance/repair backlog, when at the same time it is giving armories away at no cost, contrary to the Title 51 self funding mechanism which it has been given by the legislature.

In my capacity as Chairman of the Committee which has oversight for DMVA matters, coupled with my position as your State Representative representing the Borough of Kutztown, I must say that this issue is one of great interest to me. Thus, it is my intent to do what is in the best interest of both entities, thereby accommodating the constituencies with which I have been both elected and appointed to serve.

Best regards,

A handwritten signature in dark ink that reads "Paul W. Semmel". The signature is written in a cursive style with a large, prominent initial "P".

Paul W. Semmel, Chairman
Veterans Affairs & Emergency
Preparedness Committee

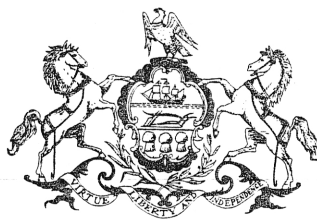
PWS/prh

Enclosure

PAUL W. SEMMEL, MEMBER
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

January 16, 2003

COMMITTEES:

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MANAGEMENT AGENCY

Eric A. Ely, President
Kutztown Borough Council
319 West Main Street
Kutztown, PA 19530

Dear Mr. Ely:

I am contacting you to inform you further about the potential sale of the Kutztown Armory. I know the borough of Kutztown wishes to acquire this armory, thus, I wanted to take this opportunity to provide you with an update on this important matter.

As you may know, I was the prime sponsor of House Bill 2963 which recently passed the House and Senate. On December 9, 2002, Governor Schweiker signed the bill making it Act 195 of 2002. This legislation gives authorization for the Department of General Services to sell numerous armories across the Commonwealth.

I want to make you aware that the Borough of Kutztown has been granted the opportunity of first refusal in the purchase of the Kutztown Armory. Act 195 of 2002, Section 4 (f), states that the sale must take place within 3 months of the effective date of Act 195. The act took effect on December 9, 2002, which means that the sale must occur before March 9, 2003. I would like to encourage you, if you have not already done so, to contact Mr. Albert Rutherford, Special Assistant to the Adjutant General, at (717) 861-8719. He will be able to assist you in further proceedings with the Armory Board.

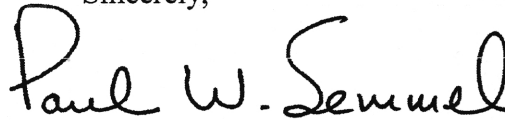
In my capacity as your state representative, I have a special interest in the completion of this sale and wish to see this matter resolved. I also would like to point out that the specific sale terms for the Kutztown Armory are based on "**fair consideration**", rather than "**fair market value**". It is my hope that this provision will allow the Borough of Kutztown to come to a more favorable purchase price on this specific piece of state surplus property. I have taken the liberty of enclosing a copy of Act 195 for your review.

January 16, 2003

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I wish you the best of luck in your endeavor and thank you for your patience through this process. If you have any questions or if I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Paul W. Semmel". The signature is written in a cursive style with a large, prominent initial "P".

Paul W. Semmel
Majority Chairman
Veterans Affairs & Emergency
Preparedness Committee

Enclosure

cc: Malcolm A. Eidle
Jan Crooker
James Schwoyer
Carl Mantz
Archie Follweiler, Jr.