

FORT HANCOCK RFEI RESPONSE TEMPLATE

In addition to presenting a clear vision of your proposal for Fort Hancock, please respond to each of the evaluation criteria. All of the evaluation criteria are outlined below. Your input in the RFEI will help the park to develop specific preservation guidelines for Fort Hancock's historic rehabilitation that balance historic preservation with practical, achievable solutions. So, please clearly state what lease terms (for example, number of years), conditions, and preservation guidelines ([Guidelines for Rehabilitating Historic Structures](#)) you can work with. Also, *please tell us what terms may be potential deal breakers and why those terms may be too onerous for you.* Please be frank; we need your input!

PROPOSAL FOR FORT HANCOCK	
	<p>Your Vision/Concept: The property should be leased long term to a nonprofit housing cooperative with individual units allocated by stock ownership to investor/owners committed to full historic preservation rehab and occupancy. Rehab consistent with NPS and historic preservation guidelines. The basic concept is consistent with the Village Creek cooperative in Norwalk, Ct., and other similar cooperatives in California. Roger Willcox, an original founder of Village Creek and President Emeritus of the National Association of Housing Cooperatives can provide additional information and will support this approach.</p>
	<p>Building Use Proposal: All buildings would be allocated to the nonprofit housing cooperative to be reallocated within the cooperative to individual investor/homeowners. All regulatory requirements would be imposed on the private nonprofit cooperative to enforce and maintain. Central purchasing, construction management, refuse disposal for rehab work and consistency of architectural elements to be guaranteed by the cooperative. Only incidental commercial uses, such as centrally located laundry facilities, any private security, offices for overall cooperative management. However, for Historic Preservation</p> <p>Tax Credit purposes, a commercial B&B use should be made available on a case by case basis to those requiring the credit to enhance economic feasibility. Entertainment is amply supplied by the beaches, fishing areas and National Park setting. Local restaurants, theaters, clubs and bars are sufficient without expanding these uses onto the Hook. Institutional, educational or other quasi-commercial uses are not contemplated in this proposal, as the pre-existing uses at the Park are assumed to be in continuing operation and sufficient to their current purposes. This property is best preserved as a residential neighborhood community. Municipal services to be contracted with NPS, Coast Guard or other federal agency. No local government involvement, no local property taxes on the nonprofit. If necessary, PILOT per NJSA 40A:20-1 et seq. NPS should consider closing the road along the Bay in front of the houses and raising the bulkhead 6' to allow for more affordable flood insurance. The cooperative will be a self-governing democracy within the regulatory parameters of the applicable Federal agencies. FHA and HUD have worked in this market and environment successfully for the past 66 years.</p>
	<p>Financial, Business and Management Concept: The rehabilitation would be financed with a loan from the National Cooperative Bank, which has substantial experience and the financial ability to advance the funds necessary to complete the entire rehabilitation project. Per unit buy-in would probably be in an amount to leave</p>

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	<p>the property with approximately \$4,000,000.00 in residual wrap-around debt after commencement of occupancy and retirement of the remaining construction debt after receipt of stock subscription funds. Details of the financing would have to be negotiated with NCB. Its representative, Larry Mathe, with whom I have done cooperative financing in the same debt range has expressed interest in this approach.</p> <p>Following occupancy the policies and budgets for the cooperative would be set by a democratically elected Board of Directors with standard statutory powers in the nonprofit corporation. This model has substantial success in both affordable and market rate housing cooperatives throughout the United States. Day to day management of the property would be entrusted to a licensed professional property management company, whose duty it would be to make sure properties are maintained, rules and regulations enforced, bills paid and debts collected. Greg Carlson, President of the National Association of Housing Cooperatives and a professional property manager has indicated an interest in assisting in the success of this project as a cooperative.</p>
EVALUATION CRITERIA	
#	Details
1	<p>The compatibility of the applicant's proposal with the site's National Register and Landmark designations. For proposals that involve multiple buildings or mixed use concepts, respondents should describe the framework that unites differing elements of the proposed uses. The NPS seeks to adaptively reuse the historic buildings in an economic, visual, and programmatically compatible and cohesive manner.</p>
	<p>Response: See above. We envision a residential neighborhood with minimal commercial use governed by a democratically elected Board of Directors of the cooperative corporate owner. This approach is congruent with the NPS vision without becoming in any way a government program.</p>
2	<p>The adequacy of measures that will be taken will ensure the proposed activity will not result in unacceptable adverse environmental impact to the ecological or cultural resources of the Sandy Hook peninsula.</p>
	<p>Response: The properties included in this proposal were all, in one way or another, designed for residential use. This proposal preserves this use, does not adapt it to commercial or other negative uses that might adversely impact the environment, and provides the NPS with a single entity for interaction, enforcement and maintenance of a consistent and coherent vision over the term of the long term lease.</p>
3	<p>The financial capability of the applicant to carry out the terms of the proposal and any corresponding lease, including the ability to finance building preservation and intended uses. Note, selected applicants will be expected to provide more detailed information about 1) financial resources, 2) investment/development track record, 3) demonstrated experience and ability in raising money from investors, and 4) experience in public private partnerships.(Include a list of financial resources, and investment/development track record.)</p>

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	<p>Response: I have been a practicing attorney since 1973, representing nonprofit and cooperative owners of affordable and market rate housing. I have substantial experience in the development, construction, occupancy and management of nonprofit and for-profit housing and community resources. If this proposal is given consideration I will identify financial resources, provide a complete CV, investment/development track record, experience in capital formation and the creation, management, maintenance and operation of multi-million dollar public/private partnerships.</p>						
4	<p>The demonstrated experience of the applicant and evidence of the applicant's managerial capability to carry out the terms of the proposed lease.</p>						
Response:	<p>WILLIAM H. EATON, ESQ. Kozma, Beides & Eaton LLC, Jersey City, NJ /Atlantic Highlands, NJ 929 Ocean Blvd., Long Branch, NJ 07740 (732)229-0500 (o); (201)970-0707 © e-mail: billeaton2@kbenj.com</p> <p>EDUCATION B.A. 1970 History, Bates College, Lewiston, Maine J.D. 1973 New York University School of Law, New York, New York</p> <p>PROFESSIONAL LICENSES Supreme Court of New Jersey, 1973 Federal District Court of the District of New Jersey, 1973 Third Circuit U. S. Court of Appeals, 1985</p> <p>PROFESSIONAL AFFILIATIONS International Municipal Lawyers Ass'n (formerly National Institute of Municipal Law Officers, 1981 - present) Member, World Jurist Association (1996- present) National Director (2006-2012), National Association of Housing Cooperatives N.J. Federation of Housing Cooperatives (Founding Member & General Counsel, 1979-present) Honorary Governor, Harris-Manchester College, Oxford University (1990-1995) Navy League of the United States, National Director, 2006, North Jersey Council, President, 2000, 2001 NAACP American Civil Liberties Union Sierra Club</p> <p>EMPLOYMENT</p> <table data-bbox="597 1707 1328 1854"> <tr> <td>9/1/2012 - present</td> <td>William H. Eaton, Esq., LLC</td> </tr> <tr> <td>1980 - 2012</td> <td></td> </tr> <tr> <td>1973 - 1979.</td> <td></td> </tr> </table>	9/1/2012 - present	William H. Eaton, Esq., LLC	1980 - 2012		1973 - 1979.	
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PROFESSIONAL EXPERIENCE

William H. Eaton, Esq., has extensive experience in the fields of housing, government finance and municipal law. His primary expertise involves representation of affordable and work force housing sponsors financed through private lenders, the New Jersey Housing and Mortgage Finance Agency and the U. S. Department of Housing and Urban Development. His specialty is nonprofit, cooperative and democratic ownership of affordable housing resources, including those receiving financing and rent subsidies through State and Federal programs. He has clients in Pennsylvania and throughout New Jersey.

Mr. Eaton has served as General Counsel, purchaser's counsel, borrower's counsel and closing attorney for a variety of housing developments, including Clinton Hill Community Apartments, High Park Terrace, High Park Gardens, University Court, Trinity United Methodist Homes and Ballantyne House in the City of Newark, New Jersey; 329 PATA, Inc., Arlington House and Prospect Park in East Orange, New Jersey; Brunswick Associates/Montgomery Gateway II, Gregory Park Cooperative Corp. and Arlington Associates in Jersey City, New Jersey; Elizabeth Center Apartments, Teaneck Senior Citizens Housing Association, Cranford Housing Board, Verona Senior Citizens, First Montclair Housing Corp., FRF Mt. Carmel Senior Citizens Housing in Orange, New Jersey, and the Warminster Heights Homeowners Association in Warminster, Pa. He is the owner and sole shareholder of Eaton Grauman Corp., General Partner of Washington Manor in Long Branch, New Jersey.

Mr. Eaton has served as Special Tax Counsel to the City of Jersey City, Special Counsel to the Jersey City Housing Authority, as well as counsel to private corporations and groups in the commercial and development fields. Mr. Eaton served as Corporation Counsel to the City of East Orange from March 1, 1980 through January 1, 1986. In this position he was responsible for all day-to-day legal advice and representation of the City, its various Boards and Commissions, as well as general litigation. Mr. Eaton also served as a Harbor Commissioner of the Borough of Atlantic Highlands, 2005-2010.

Mr. Eaton's work includes legal advice on the management and operation of public water and sewer facilities. From July, 1992 through February, 1998 Mr. Eaton served as Counsel to the East Orange Board of Water Commissioners. In this capacity he was active in the regionalization of the Board's operational responsibilities into the Township of South Orange Village and City of Orange in Essex County and the City of Bayonne, Town of Kearny and Town of Harrison in Hudson County. Mr. Eaton served as legal negotiator and counsel to Azurix North America and American Water Services in the privatization of water supply in the City of Wildwood and Township of North Brunswick, New Jersey. He has

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	<p>prepared extensive testimony, evaluative materials and presentations pertaining to privatization of water and sewer utilities. He is familiar with the laws, precedents and regulatory framework governing the delivery of water and sewer utility services. Mr. Eaton gained international field experience in 1996 by participating in and producing the municipal water system audit portion of the Maun Groundwater Study in Maun, Botswana. He addressed the World Jurist Association on Water Supply Privatization at its annual meeting in Doha, Qatar in September, 1997. In 2005 he was a presenter at the 22nd Congress on the Law of the World in Shanghai, China on the Kyoto Protocol.</p>
5	<p>The ability and commitment of the applicant to conduct its activities in the park in an environmentally enhancing manner through, among other programs and actions, energy conservation, waste reduction, and recycling.</p>
	<p>Response: As a long term tenant and participatory democracy a housing cooperative would be responsible for and responsive to the regulatory and policy dictates of the NPS through its lease and applicable regulations.</p>
6	<p>The benefit to the NPS of the financial and other terms and conditions of the proposal, including, without limitation, the preservation of historic structures, and other favorable lease terms and conditions. (Lease terms and conditions that you feel are necessary to the viability of your proposal should be identified in the materials you submit.)</p>
	<p>Response: A cooperative would be amenable to the regulatory and policy requirements of the NPS. It would be necessary for membership requirements for the lease to go out as long as possible at \$1.00/ year, which would be a substantial inducement to investment and development. As a nonprofit tenant of a Federal park the property would have to be and remain exempt from local real estate taxes, a relatively simple process under either the Federal regulations or NJSA 40A:20-1 et seq. The property should not be subject to recapture at the end of the first lease period, or the second, as a simple default or option to repurchase at fair market value. We recognize, as does every other government in the world, the then United States has voluntarily adopted the Bill of Rights, and more specifically the Bill of Rights, which says, at the end of the Fifty Amendment, "...nor shall private property be taken for public use, without just compensation." We know that it is always awkward to ask the government to pay for something that it thinks it can get for free. That's why the Amendment is there. If, at the end of 60 years the NPS wants these houses back, they can buy them back, but not just take them.</p>
7	<p>The compatibility of the proposal with the historic qualities of the building(s) to be utilized. (Identify each building that is proposed for repairs and/or improvements.)</p>
	<p>Response: All of the buildings are intended for rehabilitation and repair as dwelling units of one sort or another. No demolition or change of use is contemplated or necessary. Repaired and improved to the applicable historic standards the buildings will be used and maintained as beach front residences.</p>

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8	Preference will be given on the basis of the quality of rehabilitation and reuse of existing structures, maintenance of the cultural landscape, and the degree to which visitor use, enjoyment, and education are enhanced.
	<p>Response:</p> <p>The cooperative would comply with the applicable requirements for rehabilitation and maintain the property in an attractive and economically viable manner. We would not expect to provide enhancements to the visits of tourists or students of the Fort, except to the extent that the properties might be used for ancillary commercial purposes necessary to qualify for the Historic preservation Tax Credits. These uses might include some educational opportunities, or the area may remain dedicated to residential use and the public benefit will be limited to the historic preservation of this valuable historic resource.</p>