

CITY OF HOBOKEN

DEPARTMENT OF ADMINISTRATION

Office of Corporation Counsel

RAVINDER S. BHALLA

Mayor



BRIAN ALOIA, ESQ.

Corporation Counsel

**ALYSSA BONGIOVANNI,
ESQ.**

Assistant Corporation Counsel

E-MAIL ADDRESS: VAGAGLIARDI@PBNLAW.COM

Porzio, Bromberg & Newman P.C.
VITO A. GAGLIARDI, JR
100 Southgate Parkway
P.O. Box 1997
Morristown, NJ 07962-1997

Re: Hoboken Board of Education - 770 Jackson PILOT Funds

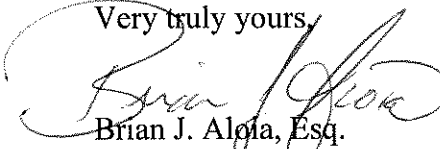
Dear Mr. Gagliardi, Jr.

Please accept this correspondence in response to your "demand" that the City turnover PILOT funds to the Board of Education. Your "demand" is denied as your client has no legal right or basis to demand the transfer of any funds from the City. The Council will determine the amount and timing of the transfer of funds, if any, that are provided to the Board. The facts are as follows.

By way of Resolution dated July 16, 2016 (the "Resolution"), the City Council of the City of Hoboken approved a Long-Term Tax Exemption for the Monroe Center Hoboken Urban Renewal, LLC, the redeveloper of the Monroe Center area. Pursuant to said resolution, the City Council expressed a desire to provide a payment to the "Hoboken School District" in the future when PILOT payments were received by the City. As you know, resolutions are only in effect for the year after they are passed. Resolutions cannot bind future Councils and they are not permanent in nature. The Resolution in this instance only expressed the desire of that Council and is not binding on the current Council or any future Council. Simply put, the current Council has complete discretion to determine whether or not to transfer funds. It is my understanding that the Mayor desires to appropriate said funds, but he also recognizes that in the absence of an authorizing resolution approved by the current Council no funds can be transferred.

I note that I am surprised by your letter as you previously represented that you were going to work with Mr. Artiles collaboratively in an effort to determine how the Charter Schools could share in any funding that may be approved for transfer in the future by the Council. That process is clearly not complete and I note that even I wrote to the state and have yet to receive a response. That being said, I reiterate that your demand is denied, the Council will determine if any funds are transferred to the Board of Education.

Please be guided accordingly.

Very truly yours,

Brian J. Aloia, Esq.
Corporation Counsel

cc: City of Hoboken Mayor and Council
Guillermo C. Artiles, Esq. (via electronic mail)