

**TOWNSHIP OF MAHWAH
SPECIAL COUNCIL MEETING AGENDA
THURSDAY, FEBRUARY 26, 2026**

Honorable Anthony J. Gianni Jr. Chambers
Richard J. Martel Municipal Center
475 Corporate Drive, Mahwah, New Jersey

7:00 PM

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

MOMENT OF SILENCE

- Veterans and Those Serving in the Military

ROLL CALL: _____ Ariemma; _____ Donigian _____ Ervin; _____ Ferguson; _____ May;
_____ Paz; _____ Wong

2026 MUNICIPAL BUDGET PRESENTATION

Ms. Corinne Hockman, CFO

ORDINANCE – INTRODUCTION

#2089 Calendar Year 2026 Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

RESOLUTION

#121-26 2026 Municipal Budget
#122-26 Self-Examination of 2026 Budget

PUBLIC PORTION

- Prior to speaking, each Speaker shall provide their Name and Address. However, if you are a Township resident who has been verified by the Office of Information Privacy as a covered person under Daniel's Law, do not provide your address.
- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about any topic
- Speaker must direct questions or comments to the Council President
- There will be no back-and-forth dialogue between the Speaker and Representatives on the dais
- When the Speaker is finished with statement or questions, the Council will respond as appropriate
- Each Speaker shall be limited to 3 minutes, when 3 minutes expires, Council will move on to the next Speaker
- This Public Portion shall be a maximum of 30 minutes
- Speakers may only speak once during each Public Portion

ADMINISTRATION

1a. Consideration of Settlement Agreement; Township of Mahwah and Toll NJ LLC; Round 4 Mount Laurel Affordable Housing Case

RESOLUTION

#123-26 Closed Session Resolution

CLOSED SESSION

C1. Attorney-Client Privilege; Settlement Agreement

RESOLUTION

#124-26 A Resolution Authorizing the Execution of a Settlement Agreement with Toll NJ I, LLC,
In Connection with the Township's Fourth Round Affordable Housing Obligations

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2089**

**CALENDAR YEAR 2026
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Mahwah in the County of Bergen finds it advisable and necessary to increase its CY 2026 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a one (1) % increase in the budget for said year, amounting to \$350,517.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Mahwah, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2026 budget year, the final appropriations of the Township of Mahwah shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,226,809.64 and that the CY 2026 municipal budget for the Township of Mahwah be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Notice is hereby given that a hearing on this ordinance will be held on February 26, 2026 at 7:00 p.m. at the Municipal Building.

I, Carolyn George, Municipal Clerk of the Township of Mahwah, hereby certify that the Roll Call Vote upon Public Hearing of Ordinance # on _____, is as follows:

Councilmember	Introduced	Second	Yes	No	Abstain	Absent
Ariemma						
Donigian						
Ervin						
May						
Paz						
Wong						
Ferguson						

Sworn and subscribed before me this
_____th day of _____, 2026.

Carolyn George, RMC
Municipal Clerk

Notary Public

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #121-26
DATE: FEBRUARY 26, 2026

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Donigian						
Ervin						
May						
Paz						
Wong						
Ferguson						

BE IT RESOLVED, by the Mayor and Council of the Township of Mahwah, State of New Jersey as follows:

1. Pursuant to N.J.S.A. 40A:4-4, the 2026 budget and tax resolution, a copy of which is on file in the Office of the CFO, is introduced and approved.
2. The CFO, Business Administrator, Township Council and the Municipal Clerk of the Township of Mahwah are authorized to take any necessary actions for the consideration of the adoption of the 2026 budget and tax resolution by the Mayor and Council of the Township of Mahwah at the meeting of February 26, 2026 7:00 pm.
3. Notice is hereby given that a hearing on the budget and tax resolution will be held on Monday, April 6, 2026 at 7:00 pm which time and place objections to said budget and tax resolution for the year 2026 may be presented by taxpayers or other interested persons.

Total of Appropriations	\$ 51,628,905.13
Less: Minimum Library Tax	\$ 3,257,195.88
Less: Anticipated Revenue	\$ 17,802,996.00
Amount to be raised by taxation	\$ 30,568,713.25

4. A copy of the 2026 budget and tax resolution is on file in the Office of the Municipal Clerk.
5. The Municipal Clerk is authorized to forward a certified copy of the 2026 budget and tax resolution to the Bergen County Board of Taxation for utilization in the County's abstract of ratables.
6. The within resolution shall take effect immediately.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 26th day of February, 2026.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #122-26
DATE: FEBRUARY 26, 2026

Name	Motion	Second	Yes	No	Abstain	Absent
Arlemma						
Donigian						
Ervin						
May						
Paz						
Wong						
Ferguson						

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Mahwah has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2026 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Mahwah that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the Township.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

I hereby certify that this resolution consisting of two page(s) was adopted at a meeting of the Township Council of the Township of Mahwah on the 26th day of February, 2026.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #123-26
DATE: February 26, 2026

Name	Motion	Second	Yes	No	Abstain	Absent
Arlemma						
Donlgan						
Ervin						
May						
Paz						
Wong						
Ferguson						

RESOLUTION AUTHORIZING A CLOSED EXECUTIVE SESSION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MAHWAH

WHEREAS, meetings of the Mahwah Township Council are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq. ("OPMA"); and

WHEREAS, the OPMA provides that a public body may exclude the public from a portion of a meeting during which the public body discusses items enumerated by N.J.S.A. 10:4-12b, which items are recognized by the OPMA as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Township Council to discuss certain matters in a meeting not open to the public in accordance with N.J.S.A. 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Township Council shall hold a closed meeting from which the public shall be excluded on February 26, 2026.
2. The general nature of the subjects to be discussed at said closed meeting shall be as follows:
 - a. Pursuant to N.J.S.A. 10:4-12(b)(7), matters falling within the attorney-client privilege relating to:
 - C1. Attorney-Client Privilege; Settlement Agreement

The minutes of said closed meeting shall be made available for disclosure to the public when the items that are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists, in accordance with the OPMA.

I hereby certify that this resolution consisting of one page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 23rd day of February, 2026.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #124-26
DATE: February 26, 2026

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Donigian						
Ervin						
May						
Paz						
Wong						
Ferguson						

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH TOLL NJ I, LLC, IN CONNECTION WITH THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Mahwah ("Township") filed a Resolution of Participation in the Affordable Housing Dispute Resolution Program ("Program") and a Declaratory Judgment Action pursuant to the Fair Housing Act on January 30, 2025; and

WHEREAS, on May 13, 2025, the Court entered an order establishing the Township's Fourth Round affordable housing obligations and directing the Township to file its Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Township filed its HEFSP on June 23, 2025; and

WHEREAS, Toll NJ I, LLC ("Toll"), has become the contract purchaser for the Property known as Block 82, Lots 1 and 3 through 30 on the tax maps of the Township of Mahwah, which was included within the Township's HEFSP; and

WHEREAS, the Township and Toll have negotiated to address the issues relative to the site and have come to a mutual agreement regarding the development of the site; and

WHEREAS, these mediation efforts have resulted in a proposed Settlement (Exhibit A) Agreement that resolves the issues and establishes a path toward compliance certification for the Township in the Fourth Round; and

WHEREAS, the Mayor and Township Council find that entering into the Settlement Agreement is in the best interests of the Township, will facilitate compliance with the Fair Housing Act, and will allow the Program and the Mount Laurel judge to review the HEFSP and implementing ordinances for compliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute, on behalf of the Township, the Settlement Agreement between the Township of Mahwah and Toll, subject to de minimis changes from counsel.
2. The Township's Affordable Housing Counsel is hereby authorized to take any and all steps necessary to effectuate the Settlement Agreement, including preparing and submitting filings, participating in any additional proceedings before the Program, coordinating with the Township's professionals, and implementing all requirements contained in the Agreement.
3. The Township Attorney, Affordable Housing Counsel, Township Planner, Township Administrator, and all other appropriate Township officials are authorized and directed to take any additional actions necessary to implement the terms of the Mediation Agreement and to advance the Township's efforts toward obtaining compliance certification.
4. This Resolution shall take effect immediately upon adoption according to law.

CERTIFICATION

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on this 26th day of February, 2026.

Carolyn George, RMC
Municipal Clerk

Robert M. Ferguson, III
Council President