

**BOROUGH OF PENNINGTON
RESOLUTION 2023-1.32**

**RESOLUTION APPOINTING DONATO NIEMAN AS PART-TIME
BOROUGH ADMINISTRATOR**

WHEREAS, the Borough of Pennington is in need of an Administrator;

WHEREAS, the position was variously advertised on the New Jersey League of Municipalities website, in the Trenton Times and on the Trenton Times website in May and June 2022, and sixteen people applied, of which five were initially selected for interview before two then withdrew;

WHEREAS, in July 2022 the Borough became aware of the potential part-time availability of a seventeenth candidate, Donato Nieman, the highly regarded retired former administrator of Montgomery Township, and he was invited to interview;

WHEREAS, interviews of Mr. Neiman and the other invited candidates were conducted by the Personnel Committee of Borough Council in August 2022;

WHEREAS, following the interviews it was determined that the best option was to hire the experienced Mr. Nieman on a part-time basis to guide the operations of the Borough while also simultaneously developing another employee to perform the work of Administrator long term;

WHEREAS, in pursuit of this strategy the Mayor negotiated a proposed agreement with Mr. Donato subject to compliance with all applicable legal restrictions affecting post-retirement employment while receiving a pension;

WHEREAS, the Mayor has had the advice of the Borough Attorney and, with the consent of Mr. Nieman, has been in communications with the New Jersey Division of Pensions and Benefits to ensure compliance with all such restrictions;

WHEREAS, it is imperative from this standpoint that Mr. Nieman's employment be limited to a part-time basis with hours not exceeding an average of 15 hours per week;

WHEREAS, the essential terms of Mr. Nieman's proposed employment are that (1) he shall work no more than an average of 15 hours per week and 780 hours per year; (2) he will be paid \$105 per hour, with estimated annual earnings of \$81,900; (3) and he will begin work as soon as January 9, 2023;

WHEREAS, this appointment has been reviewed by the Personnel Committee and discussed with Borough Council pending the outcome of communications with the Division of Pensions and Benefits, which culminated favorably on December 30, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the appointment of Donato Nieman as part-time Borough Administrator, effective January 9, 2023, is hereby approved.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone									
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on January 4, 2023.

Elizabeth Sterling, Borough Clerk