

**ORDINANCE NO. 134**

***ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE AMENDING PORTIONS OF THE WESTFALL TOWNSHIP POLICE PENSION PLAN ORDINANCE NO. 84, AS AMENDED, INCLUDING ORDINANCE NO. 124A, TO ADD A DEFINITION FOR ATTENDING COLLEGE; TO REMOVE ANY SOCIAL SECURITY OFFSET TO A PARTICIPANT'S BENEFITS PROVIDED FOR UNDER SAID ORDINANCE; TO AMEND THE AMOUNT OF BENEFIT PAID TO A PARTICIPANT'S FAMILY IF KILLED IN THE PERFORMANCE OF DUTIES; TO AMEND THE AMOUNT OF A PARTICIPANT'S SERVICE-RELATED DISABILITY BENEFIT; AND TO ADD A NEW PROVISION FOR THE PROVISION OF A PRE-VESTING DEATH BENEFIT***

BE IT ORDAINED by the Township of Westfall, County of Pike, Commonwealth of Pennsylvania that Ordinance No. 84, which is the governing document of the Police Pension Plan, and Ordinance No. 124A, which amended Ordinance No. 84, shall be amended by Ordinance No. \_\_\_\_\_ by adding a new definition for "Attending College"; and by deleting Sections 4.2, 4.3, 4.4, 4.6 and 5.2 in their entirety and replacing them with new Sections 4.2, 4.3, 4.4, 4.6 and 5.2 as follows:

**ARTICLE II**

**DEFINITION OF TERMS**

2.12 **Attending College** means the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven (7) credit hours per semester.

**• SECTION 4.2 NORMAL RETIREMENT BENEFIT**

A Participant who shall complete the age and service requirements as set forth in this Article shall receive a pension for life in an amount equal to one-half (1/2) of the Participant's average monthly compensation, based on the Participant's last thirty-six (36) months of compensation, or that percentage and based on that number of months as shall be prescribed by

statute of the Commonwealth of Pennsylvania subsequent to the adoption of this Ordinance.

#### **SECTION 4.3 SURVIVORS BENEFITS**

The Survivor's benefit shall become payable to the spouse, regardless of remarriage, or to children under age eighteen (18), or twenty-three (23) if attending college, following the death of an officer who has either (a) retired; (b) become eligible to retire immediately; or (c) was killed in the performance of duties.

The amount of such survivor's benefit shall be calculated at One Hundred percent (100%) of the Participant's salary at the time of death.

#### **SECTION 4.4 DISABILITY BENEFITS**

In the event of a Participant's permanent service-connected disability, such Participant may become eligible for a monthly disability pension. The Board shall designate a physician to represent and certify to the Board such disability as permanent and service-connected. Such disability pension shall commence when the Participant has been declared permanently disabled.

Disability shall mean any physical or mental condition which prevents a member from performing the duties of a full-time police officer as a result of service-connected injuries.

Monthly permanent disability pension payments for service-connected disabilities shall be in an amount equal to fifty percent (50%) of the Participant's salary at the time the disability was incurred, reduced by the amount of Social Security disability benefits received for the same injury.

#### **SECTION 4.6 TERMINATION/PRE-VESTING DEATH BENEFIT**

If for any reason a Participant shall terminate service with the Employer prior to becoming vested, that Participant shall be entitled to a refund of that Participant's contributions plus interest at a rate of five percent (5%) per annum. Such interest shall be uniform for all Participants.

If a Participant shall subsequently return to service and return to the Plan the contributions plus interest which were refunded to that Participant upon termination, the Participant shall be entitled to credit for the prior years of service to the extent of the return of contributions.

Nothing in this Article shall be construed to allow credit for service not actually given to the Employer, except as specifically provided in Article VI.

Notwithstanding the terms and provisions of this Section, the surviving spouse of a member of the police force who dies before his pension has vested or if no spouse survives or if he or she survives and subsequently dies, the child or children under the age of eighteen (18) years, or, if attending college, under or attaining the age of twenty-three (23) years, of the member of the police force shall be entitled to receive repayment of all money which the member invested in the pension fund plus interest or other increases in value of the member's investment in the pension fund, unless the member has designated another beneficiary for this purpose.

## **SECTION 5.2 CONTRIBUTIONS OF THE PARTICIPANTS**

Contributions to the Plan paid by the Participants may be reduced or eliminated if a current actuarial study indicates that such reduction or elimination for that year will not adversely effect the actuarial soundness of the plan. Should the current actuarial study so

indicate, the reduction or elimination of contributions by the participants shall be effected by resolution, and shall be effective for one calendar year only.

Other than as set forth above, the Westfall Township Board of Supervisors hereby reaffirms the remaining provisions of Ordinance No. 84.

This Ordinance shall be effective on the fifth (5<sup>th</sup>) day after enactment hereof.


Duly adopted and ordained into law at a public meeting of the Board of Supervisors of the Township of Westfall held on the 6<sup>th</sup> day of December, 2007.

WESTFALL TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
JAMES MUIR, Chairman

  
\_\_\_\_\_  
LESTER BUCHANAN, Vice-Chairman

  
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ROBERT EW BANK, Supervisor

  
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PAUL FISCHER, Supervisor

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ROBERT T. BROWN, Supervisor