

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 149

An Ordinance Amending the Westfall Township Ordinance No. 84, adopted December 6, 1994, as amended, changing the Westfall Township Police Pension Plan to merge the Plan into and rename the Plan the Eastern Pike Regional Police Department Plan under and pursuant to Act 600, as amended.

WHEREAS, the Township of Westfall has created the Eastern Pike Regional Police Department, pursuant to an Intergovernmental Cooperation Agreement adopted by Westfall Township and the Borough of Matamoras which merged the two municipal Police Departments into the Eastern Pike Regional Police Department; and

WHEREAS, the Intergovernmental Cooperation Agreement also created the Eastern Pike Regional Police Commission, which is the governing body of the Regional Department; and

WHEREAS, the Township of Westfall by Ordinance No. 84, adopted December 6, 1994 as amended, provided for the establishment and regulation of a Pension Plan for the full time police employees of the Township of Westfall pursuant to the provisions of Act 600, as amended; and

WHEREAS, the Eastern Pike Regional Police Commission has assumed the responsibility for administering said police pension plan pursuant to the establishing documents; and

WHEREAS, the Eastern Pike Regional Police Commission has adopted a Resolution providing for administration of the said police pension plan; and

WHEREAS, in order to merge the aforementioned plans of the Township and Borough respectively, the Westfall Township Ordinance No. 84, as amended, is in need of a plan name change to the Eastern Pike Regional Police Department Pension Plan under and pursuant to Act 600, as amended; and

WHEREAS, notice of, and conduction of a public hearing on the aforementioned ordinance transpired on April 7, 2009 at 7:00 p.m. at the Westfall Township Municipal Building at which time there was no public objection to the plan change; and

NOW, THEREFORE, the Supervisors of Westfall Township hereby approves and adopts the Eastern Pike Regional Police Department Pension Plan as attached hereto:

Section 1. The WHEREAS provisions of this Ordinance are incorporated with the Police Pension Plan as if fully set forth.

Section 2. The existing Westfall Township Ordinance No. 84 is amended and hereby renamed Eastern Pike Regional Police Department Pension Plan.

Section 3. The amended and renamed Plan shall be adopted in its entirety and is attached hereto as Exhibit "A", with the exception that the Plan shall be under the direction of the Eastern Pike Regional Police Commission rather than the Supervisors of Westfall Township and shall be applied under such regulations as the Eastern Pike Regional Police Commission may prescribe.

Section 4. The amended and renamed Plan shall further be amended whereby the Board shall be the Eastern Pike Regional Police Commission which shall act in the capacity of administrator of the Plan and the employer shall be the Eastern Pike Regional Police Commission rather than the Township of Westfall.

Section 5. The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is for any reason found to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such decision or holding of the court shall not affect or impair the validity of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

It is hereby declared as the intent of the Westfall Township Board of Supervisors that this Ordinance would have been adopted had such illegal, invalid or unconstitutional sentence, clause, section or part thereof not been included therein. Furthermore, it is intended that this Ordinance not to be contrary to any established laws or regulations of the Commonwealth of Pennsylvania regarding municipal police pension plans.

Section 6. This Ordinance shall be effective in five (5) days.

ORDAINED AND ENACTED into an Ordinance this 7th day of April, 2009, by Westfall Township Supervisors at a duly advertised regular meeting.


JAMES MUIR, CHAIRMAN



LESTER J. BUCHANAN, VICE CHAIRMAN



ROBERT M. EWBANK, SUPERVISOR



PAUL C. FISCHER, SUPERVISOR



RAYMOND BANACH, SUPERVISOR

ATTEST:



LISA GREEN, SECRETARY