

NEWBERRY TOWNSHIP

ORDINANCE NO. 404

AN ORDINANCE OF NEWBERRY TOWNSHIP, YORK COUNTY, PENNSYLVANIA, AMENDING THE POLICE PENSION PLAN DOCUMENT AMENDING THE DEFINITION OF “COMPENSATION” AND “DEFERRED RETIREMENT OPTION PROGRAM: COST-OF-LIVING ADJUSTMENT REQUIREMENTS.”

WHEREAS, Newberry Township, York County, Pennsylvania (the “Township”) is a second class township and municipal corporation organized under the Pennsylvania Second Class Township Code (the “Code”); and

WHEREAS, pursuant to the Code at § 1910(h), any township police pension is governed by the Municipal Police Pension Law, 53 P.S. § 767, et seq. (the “Pension Law”); and

WHEREAS, the Township has adopted a Police Retirement Plan (the “Retirement Plan”) pursuant to the Pension Law; and

WHEREAS, the Retirement Plan authorizes the Township, from time to time, to amend the terms and conditions of the Retirement plan; and

WHEREAS, Township desires to amend the Retirement Plan effective retroactively to January 1, 2017.

NOW, THEREFORE, be it ordained and enacted and it is hereby ordained and enacted as follows:

SECTION 1: In Article I, the definition of “Compensation” shall be deleted in its entirety and replaced with the following definition:

Compensation: means the total earnings, except as modified in this definition, from the Employer during any specified period. Earnings as used in this definition includes salary, court pay, holiday pay, overtime pay, and other remuneration with the following changes made:

- (A) For purposes of calculating a retiree's pension benefit for officers hired after January 1, 2017, the payout amount for only those accumulated, but unused sick and vacation leave days earned with the last thirty-six (36) months of employment shall be included.

SECTION 2: In Article IV, Section 4.04, the following language shall be added regarding the Deferred Retirement Option Plan ("DROP"):

For officers hired after January 1, 2017, the annual Cost-of-Living Adjustments found in the DROP program shall be eliminated.

SECTION 3: This Ordinance is made an integral part of the Retirement Plan and is controlling over the terms of said Retirement Plan with respect to the particular items addressed above. All other provisions of this Retirement Plan remain unchanged and controlling.

SECTION 4: If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 5: This Ordinance shall be effective five (5) days after its enactment with the Retirement Plan being amended retroactively to January 1, 2017.

ORDAINED AND ENACTED this _____ day of _____ 2018.

ATTEST:

NEWBERRY TOWNSHIP
BOARD OF SUPERVISORS

Donald L. Keener, Secretary

William Toothaker, Chairman

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of the Township of Newberry, York County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by ____ to ____ affirmative vote majority of the members of the Board of Supervisors of the Township at an open public meeting held after notice required by law on _____, 2018, and that said Ordinance has been recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township on this ____ day of _____, 2018.

Donald L. Keener, Secretary