

**RESOLUTION NO. 92-113****FIRST AMENDMENT TO THE****HOPEWELL TOWNSHIP POLICE PENSION PLAN**

(as amended and restated, effective January 1, 1989)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HOPEWELL TOWNSHIP RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE OFFICERS OF SAID TOWNSHIP.

WHEREAS, the Board of Commissioners of Hopewell Township (the "Board") has previously enacted a Resolution establishing the Hopewell Township Police Pension Plan (the "Plan"); and

WHEREAS, the Plan was totally amended and restated, effective January 1, 1989; and

WHEREAS, the Employer reserved the right to amend the Plan pursuant to section 10.01; and

WHEREAS, the Employer now desires the Plan to be further amended;

BE IT RESOLVED by the Board and it is HEREBY RESOLVED AND ENACTED by authority of the same:

Effective January 1, 1990, section 1.21 is amended in its entirety by deleting the said section and substituting a new section 1.21 as follows:

1.21 "Total and Permanent Disability" shall mean a condition of physical or mental impairment, incurred in the line of duty while the Employee is in the active service of the Employer as an Employee, due to which the Participant is unable to perform the usual and customary duties of Employment as an Employee of the Employer, which shall continue for a period of at least six (6) months and which, in the opinion of a physician acceptable to the Plan Administrator, shall be permanent and continuous for the remainder of the life of the Participant.

Effective January 1, 1990, Article VI is amended in its entirety by deleting the said Article and substituting a new Article VI as follows:

## ARTICLE VI

### DISABILITY RETIREMENT

6.01 Disability Retirement - A Participant who shall incur a Total and Permanent Disability as determined by a physician acceptable to the Plan Administrator as defined in section 1.21 hereof, shall be entitled to a Disability Retirement Benefit as of the Disability Retirement Date.

6.02 Disability Retirement Benefit - A Participant who is eligible pursuant to section 6.01 to receive a Disability Retirement Benefit shall receive a monthly benefit in an amount equal to the applicable percentage of the Participant's Final Monthly Average Salary determined as of the Disability Retirement Date. The applicable percentage shall be determined as follows:

<u>Completed Years of Aggregate Service</u>	<u>Applicable Percentage</u>
0 to 5 years	25%
6 to 7 years	30%
8 or 9 years	40%
10 or more years	50%

6.03 Disability Retirement Benefit Limitation - A Participant who shall have received payment of a Disability Retirement Benefit for a total of eighteen (18) months, shall thereafter have the maximum amount of benefit payable under this Article VI reduced to the extent that when such benefit is combined with other benefits being paid on account of such disability, including but not limited to worker's compensation, social security disability, other statutorily provided disability benefit, or any other Employer provided disability benefit, the total amount of benefits exceeds seventy-five percent (75%) of the Participant's Final Monthly Average Salary. If the total of such benefits does not exceed seventy-five percent (75%) of the Participant's Final Monthly Average Salary, the Participant shall be entitled to receive the total amount determined under section 6.02 provided, however, that this section shall never permit payment under this Plan in an amount greater than the amount determined under section 6.02.

6.04 Disability Retirement Benefit Payment - A Participant who shall be eligible pursuant to section 6.01 to receive a Disability Retirement Benefit shall receive the benefit determined hereunder monthly, commencing as of the Disability Retirement Date and ending as of the earliest of the date on which the Participant begins employment in another police force; the date of death of the Participant; or the date on which the Participant attains the Normal Retirement Date.

A Participant shall attain Normal Retirement Date hereunder upon attaining the age of fifty (50) and completion of twenty-five (25) years of Aggregate Service. Aggregate Service for this purpose shall include the period of time during which the Participant has been Totally and Permanently Disabled. Such a disabled Participant upon attaining Normal Retirement Date shall thereafter receive a Normal Retirement Benefit pursuant to Article V hereof based upon the Participant's Final Monthly Average Salary as of the Disability Retirement Date.

6.05 Surviving Spouse Benefit - In the event a Participant who is receiving disability retirement benefits pursuant to this Article VI shall die prior to attaining Normal Retirement Date, the spouse of the deceased Participant, or, if no spouse survives or if the spouse survives and subsequently dies or remarries, then the child or children under the age of 18 years of the deceased Participant, shall, during the spouse's lifetime or so long as the spouse does not remarry in the case of the spouse or until reaching the age of 18 in the case of a child or children, receive a monthly income calculated at the rate of 50 percent of the monthly Disability Retirement Benefit which the Participant was receiving from the Plan at the time of his death. In the event that the Participant shall die upon or after attaining Normal Retirement Date, section 7.02 shall control with regard to survivor's benefits.

6.06 Payment of Survivor Benefits - Survivor payments made pursuant to this Article VI shall be made monthly as of the first day of each month. The first installment of any benefit payable to a survivor shall be payable on the first day of the month next following date of death of the Participant and the last installment shall be payable as of the first day of the month in which occurs either:

- (a) the death of the spouse, if payments are made to the spouse, and the spouse's death occurs at a time when there are no surviving children under the age of 18; or
- (b) the date when the youngest surviving child attains the age of 18, if payments are made to any children of the Participant.

RESOLVED, this 28<sup>th</sup> day of July, A.D., 1992.

ATTEST:

HOPEWELL TOWNSHIP

  
Vice-President, Board of Commissioners