

RESOLUTION NO. 99-112

**FIRST AMENDMENT TO THE
HOPEWELL TOWNSHIP POLICE PENSION PLAN
(As amended and restated, effective January 1, 1996)**

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, 1996; and

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

WHEREAS, the Board now desires the Plan to be further amended to incorporate certain changes as a result of collective bargaining negotiations and a court order which require clarification of certain provisions;

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

Effective January 1, 1997, sections 1.18 and 5.02 are amended in their entirety by deleting the said sections and substituting new sections 1.18 and 5.02 as follows:

- 1.18 "Final Monthly Average Salary" shall mean the average monthly salary earned by the Participant and paid by the Employer during the final thirty-six (36) months immediately preceding termination of active employment. Salary shall include the Employee's compensation to which the Employee is entitled for the rendering of services in employment but shall exclude for this purpose certain single sum or extraordinary payments such as a back pay damage award which are made but not directly attributable to active employment during the averaging period. Pursuant to Order of Court from the Common Pleas Court of Beaver County received May 9, 1999. Salary shall include lump-sum payment for accumulated sick leave and one-time extra payment of \$2,500.

Final Monthly Average Salary shall be calculated by taking into account only those periods during which an Employee receives salary, as that term is defined in this section 1.18. Therefore, for example, the Final Monthly Average Salary for a Participant who receives disability benefits from this Plan or who is voluntarily

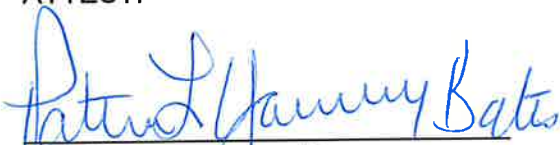
or involuntarily serving in the United States armed forces during the final thirty-six (36) months of Aggregate Service shall be based on the period during which the Employee last received salary (as defined in the preceding paragraph) from the Employer. Salary used to determine Final Monthly Average Salary shall be limited on an annual basis to the amount specified for government plans in accordance with Code section 401(a)(17), as adjusted under Code section 415(d).

- 5.01 Disability Retirement Benefit – A Participant who shall be entitled to a Disability Retirement Benefit under section 5.01 shall receive a benefit in an amount equal to fifty percent (50%) of the Participant's Final Monthly Average Salary determined as of the Disability Date.
- 4.07 Maximum Benefit Limitations – Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code section 415(b)(1)(A) as adjusted pursuant to Code section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this section 4.10 shall be governed by the following conditions and definitions:
- (a) benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis to determine the limitation contained herein;
 - (b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this section commencing at age sixty-two (62); however, the reduction shall not reduce the limitation below seventy-five thousand dollars (\$75,000.00) for a benefit commencing at or after age fifty-five (55), or if the benefit commences prior to attainment of age fifty-five (55) the amount which is actuarially equivalent to a benefit of seventy-five thousand dollars (\$75,000.00) commencing at age fifty-five (55); however, in the case of a qualified Participant (a Participant with respect to whom a period of at least fifteen (15) years of service, including applicable military service, as a full-time employee of a police or fire department is taken into account in determining the amount of benefit), the limitation contained herein shall not reduce the limitation to an amount less than the amount specified pursuant to Code section 415(b)(2)(G)(I) as of the Restatement Date of this Plan and such amount shall be adjusted pursuant to Code section 415(d);
 - (c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined herein commencing at age sixty-five (65);

- (d) benefits paid to a Participant which total less than ten thousand dollars (\$10,000.00) from all defined benefit plans maintained by the Employer expressed as an annual benefit shall be deemed not to exceed the limitation of this section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Disability Retirement Benefit pursuant to section 4.04, with fewer than ten (10) years of participation, the limitation expressed in this subsection (d) shall be reduced by one-tenth (1/10) for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars (\$1,000.00);
- (e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular; and
- (f) in the case of a survivor benefit or a disability retirement benefit under the Plan, the adjustment under subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

RESOLVED and ADOPTED this 8th day of June A.D., 1999.

ATTEST:



Patricia L. Yannessa/Bates
Manager-Secretary

HOPEWELL TOWNSHIP



Patsy A. D'Eramo, Sr., President /
Board of Commissioners