

RESOLUTION NO. 99-129

SECOND 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;

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

Effective January 1, 1999, sections 1.32 and 5.03 are amended in their entirety by deleting the said sections and substituting new sections 1.32 and 5.03 as follows:

- 1.32 "Total and Permanent Disability" shall mean a condition of physical or mental impairment due to which a Participant is unable to perform the usual and customary duties of Employment and which is reasonably expected to be permanent for the lifetime of the Participant. For purposes of this section 1.32 and Article V, a condition shall not be treated as Total and Permanent Disability unless such condition is a direct result of and occurs in the line of duty of Employment. Therefore, an Employee whose physical or mental impairment does not occur in the line of duty or which is the result of alcoholism, addiction to narcotics, perpetration of a felonious criminal activity or is willfully self inflicted, is not entitled to receive disability benefits under the Plan.
- 5.03 Payment of Disability Benefits - Disability payments shall be made monthly as of the first day of each month, commencing as of the first day of the month coincident with or immediately following the Participant's Disability Date and continuing until the earlier of the death of the Participant or cessation of Total and Permanent Disability.

A Participant who shall fail to return within three (3) months to Employment as an Employee of the Employer upon cessation of Total and Permanent Disability prior to attainment of Normal Retirement Age shall be deemed to have terminated Employment as of the Disability Date, shall not be entitled to any distribution of Accumulated Contributions pursuant to section 7.02 to the extent that the total amount of disability payments exceeds the value of the Participant's Accumulated Contributions as of the Disability Date, and shall not be entitled to any other benefits under the Plan on account of any Aggregate Service as of the Disability Date.

RESOLVED and ADOPTED this 6th day of December, A.D., 1999.

ATTEST:


Patsy A. DeRamo, Jr.

HOPEWELL TOWNSHIP


Patsy A. DeRamo, Jr.
President, Board of Commissioners