

HOPEWELL TOWNSHIP

RESOLUTION NO. R-2011-25

WHEREAS, Hopewell Township intends that the Hopewell Township Police Pension Plan (Plan) be a qualified Plan under Internal Revenue Code Section 401(a) as applied to governmental plans as defined in Internal Revenue Code Section 414(d); and

WHEREAS, the Plan is required to comply with the applicable terms of the Pension Protection Act of 2006 (PPA) and the Heroes Earnings Assistance Relief Tax Act (HEART Act); and

WHEREAS, the Township now wishes to amend the Plan to comply with PPA and the HEART Act.

NOW THEREFORE, the Plan is hereby amended as provided in attached Exhibit A.

RESOLVED and ADOPTED this 24th, day of OCTOBER 2011.

ATTEST:

HOPEWELL TOWNSHIP

Andy Beattie

Norman Krausz, Jr.

EXAMINED AND APPROVED this 24th day of OCTOBER 2011.

ATTEST:

HOPEWELL TOWNSHIP

Andy Beattie

Norman Krausz, Jr.

EXHIBIT A

The following provisions are added to the Plan. Any prior provisions that are inconsistent with the provisions in this amendment are hereby superceded.

- 01 The purpose of these plan amendments is to comply with the Pension Protection Act of 2006 (PPA) and the Heroes ~~Earnings~~ Assistance Relief Tax Act (HEART Act). Notwithstanding anything in this Plan to the contrary, this Plan shall be interpreted so as to comply with the applicable required provisions of the PPA and the HEART Act.
- 02 For the purposes of Code Section 415(b)(1)(A), effective as of January 1, 2008 the "applicable mortality table" and "applicable interest rate" are found in Rev. Rul. 2007-67. The "applicable mortality table" in Rev. Rul. 2001-62 was effective from December 31, 2002 through December 31, 2007.
- 03 415(c) Compensation. For the purposes of this Section, "compensation" includes only those items specified in Treas. Reg. §1.415(c)-2(b)1 or (2) and excludes all items listed in Treas. Reg. §1.415(c)-2(c), the terms of which are specifically incorporated herein by reference. Effective as of January 1, 2009, to the extent required by the Heroes Earnings Assistance Relief Tax Act of 2008 (HEART Act), differential wage payments shall be included in Compensation.
- 04 Effective as of January 1, 2007 an "eligible rollover distribution" shall include any eligible rollover distribution (including distributions containing after tax contributions) that is transferred in a direct trustee-to-trustee transfer to a 403(b) annuity contract or a qualified trust under Code Section 401(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.
- 05 Effective as of January 1, 2008 a Roth IRA is an "eligible retirement plan".
- 06 Non-Spousal Rollover. Effective January 1, 2007, if a Beneficiary who is not a surviving spouse is entitled to receive what would otherwise be an "eligible rollover distribution", the Beneficiary may, in accordance with Code Section 402(c)(11), make a trustee-to-trustee transfer of that amount to an IRA or individual retirement annuity (other than an endowment contract); provided that:
- (a) the transfer is made not later than the end of the fourth year after the year of the Participant's death; and
 - (b) the account or annuity to which the amount is transferred is treated as an inherited IRA or individual retirement annuity in accordance with Code Section 408(d)(3)(C).
- 07 HEART Act. Effective for participant deaths occurring while performing qualified military service (as defined in Code Section 414(u)) on or after January 1, 2007, the Plan will provide retirement benefits and service credit to the extent required by the HEART Act.