

## **ORDINANCE 21-01**

### **AN ORDINANCE OF THE TOWNSHIP OF MIDDLETOWN, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 70 – “PENSIONS,” ARTICLE III – “POLICE EARLY RETIREMENT INCENTIVE PROGRAM (PERIP),” OF THE TOWNSHIP CODE OF ORDINANCES TO RE- ESTABLISH AN EARLY RETIREMENT INCENTIVE PROGRAM**

**WHEREAS**, under sections 607 and 1506 of the Second Class Township Code, the Board of Supervisors (“the Board”) of Middletown Township are charged with the general governance of the Township in order to, among other things, manage care and control of the Township finances and may adopt any ordinances, bylaws, rules and regulations necessary therefore, so long as they are not inconsistent with or restrained by the Constitution and laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Middletown, Bucks County, Commonwealth of Pennsylvania (“Township”) has established a Police Pension Fund with retirement benefits pursuant to the laws of the Commonwealth of Pennsylvania and for the benefit of the eligible police officers employed by the Township; and

**WHEREAS**, on or about October 1, 2018, the Board enacted Ordinance 18-04 to establish a Police Voluntary Early Retirement Incentive Program (“PERIP”) which was codified at Chapter 70, Article III, Sections 300 and 301 of the Township’s Code of Ordinances (“Code”); and

**WHEREAS**, under Ordinance 18-04, a PERIP participant was required to retire no later than June 30, 2019; and

**WHEREAS**, the Board has determined it to be in the best fiscal interest of the Township to offer a new PERIP to certain eligible police officers a one-time option to retire or to retire before reaching normal retirement age and other retirement eligibility requirements under the Police Pension Fund; and

**WHEREAS**, the Board has further determined it to be in the best interests of the Township to offer certain incentives to those eligible police officers to voluntarily participate in such a retirement program.

**NOW, THEREFORE**, the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, does hereby ordain and enact the following:

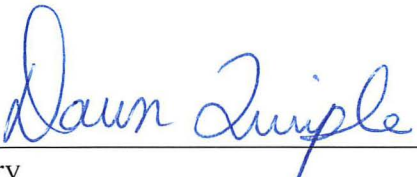
1. The Code of the Township of Middletown, Chapter 70 – “Pensions,” Article III – “Police Early Retirement Incentive Program (PERIP),” is hereby repealed and replaced with a new Article III – “Police Early Retirement Incentive Program (PERIP)” containing the language set forth in Exhibit “A” hereto.
2. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any of the remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.

3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.
4. This Ordinance shall take effect five (5) days after adoption by the Board of Supervisors.

**ORDAINED AND ENACTED** this *4<sup>th</sup>* day of *January, 2021*.

**ATTEST:**

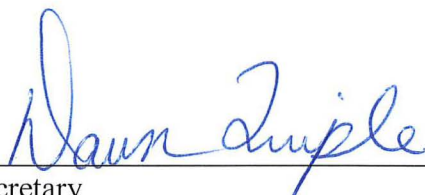
MIDDLETOWN TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Chairperson

I hereby certify that the foregoing is a true and correct copy of Ordinance #21-01, enacted by the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, on the *4<sup>th</sup>* day of *January, 2021*.

SEAL

  
\_\_\_\_\_  
Secretary

## **Exhibit A**

### **Article III - Police Early Retirement Incentive Program (PERIP).**

#### **§70-300. Purpose.**

The purpose of this article is to establish a one-time Early Retirement Incentive Program for active police officers.

#### **§70-301. Eligibility.**

- A. Notwithstanding any other provision of this Article III, as of the effective date of this article, a police officer who has served on the Middletown Police Department as a police officer for a total service of 25 years and in addition has attained the age of 50 years shall be eligible to retire from his or her employment with the Township and receive the proposed benefits under this Police Early Retirement Incentive Program subject to the following terms and conditions:
- (1) A participant who, as of the effective date of this article, has served on the Middletown Police Department as a police officer for a total service of 25 years and in addition has attained the age of 50 years, shall be eligible to participate in the PERIP as outlined herein.
  - (2) A participant who is eligible for the PERIP shall file a written notification of his or her election to participate in the PERIP to the Township Manager and the Chief of Police no later than January 31, 2021. The PERIP participant shall be required to retire effective no later than March 31, 2021. For purposes of this article, retirement shall mean completely severing any employment with Middletown Township. Entering or remaining in the Deferred Retirement Option Plan does not qualify for retirement for PERIP purposes.
  - (3) Except as otherwise provided in this subsection, a participant who elects to participate in the PERIP shall upon his or her retirement be entitled to receive benefits in accordance with the regular provisions of the Police Pension Fund.
  - (4) In addition to the benefit set forth in Subsection A(3) above of this section, a participant who is eligible to and timely elects to participate in the PERIP shall also receive upon his or her retirement a lump sum payment of \$100,000.00.
- B. In the event of any conflict between the specific provisions of this section and any other provision of this chapter, the specific provisions of this section shall control and shall be construed so as to afford the PERIP participant with all of the specific benefits set forth in this section, and no more. All other terms and provisions of the Police Pension Fund as set forth in this chapter shall remain in full force and effect and be applicable to a participant in the PERIP to the extent they are not expressly or by implication modified by or contrary to the terms of this section.