

ORDINANCE NO. 2022 - _____

**AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG,
FRANKLIN COUNTY, PENNSYLVANIA AMENDING THE RETIREMENT
PLAN FOR PAID FIREMEN AS ORIGINALLY EFFECTIVE
JULY 1, 1960 AS ESTABLISHED BY CHAPTER 60, ARTICLE II OF
THE CODE OF THE BOROUGH OF CHAMBERSBURG IN ORDER
TO ADD A DISABILITY RETIREMENT BENEFIT**

WHEREAS, the Borough of Chambersburg previously adopted the Borough of Chambersburg Retirement Plan for Paid Firemen (the "Plan"), which Plan is established and continued in accordance with Chapter 60, Article II of the Code of the Borough of Chambersburg; and

WHEREAS, the Borough of Chambersburg desires to modify the Plan to allow a disability retirement benefit for firefighters who suffer a service-connected disability and are unable to perform their normal duties prior to their normal retirement date; and

WHEREAS, the Borough of Chambersburg has obtained an estimate of the expected actuarial impact attributable to the proposed benefit plan modification from the Borough's actuary in accordance with the requirements of the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. § 895.305.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania and it is hereby enacted and ordained by the authority of the same that Plan Amendment No. 3, attached hereto and incorporated herein by reference, which modifies the "Borough of Chambersburg Municipal Retirement Plan for Paid Firemen" effective July 1, 1960 and as amended and restated effective January 1, 2008, and as subsequently amended from time to time thereafter, is hereby adopted and enacted. Jason Cohen, Finance Director of the Borough of Chambersburg, is authorized and directed to execute the attached amendment of the Plan.

REPEALER: All provisions of previous Ordinances of the Borough of Chambersburg and the Code of the Borough of Chambersburg which are contrary to this Ordinance are expressly repealed.

SAVINGS CLAUSE: In all other respects, all other Ordinances of the Borough of Chambersburg shall remain as previously enacted and ordained.

SEVERABILITY: The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall take effect immediately.

ENACTED this _____ day of August 2022.

Town Council of the Borough of
Chambersburg, Franklin County,
Pennsylvania

By: _____
Allen B. Coffman, President

ATTEST:

Jamia Wright, Secretary

Mayor of the Borough of Chambersburg

**AMENDMENT 3
TO THE
BOROUGH OF CHAMBERSBURG RETIREMENT PLAN
FOR PAID FIREMEN**

As authorized by Section 9.2 of the Borough of Chambersburg Retirement Plan for Paid Firemen (“Plan”) as amended and restated effective January 1, 2008, and as amended from time to time thereafter, the employer, the Borough of Chambersburg, hereby amends the Plan to add a disability retirement benefit for firefighters who suffer a service-connected disability and are unable to perform their normal duties prior to their normal retirement date. These amendments shall be effective as provided herein. These amendments shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of these amendments.

Amendment No. 3

The employer hereby amends the Plan in the following manner:

Section 3.6 – Disability, shall be amended to read as follows:

Section 3.6 – Disability Retirement

If an actively employed participant suffers a service-connected disability and is unable to perform his normal duties prior to his normal retirement date, he may receive a disability benefit under the plan.

Effective for an active participant becoming disabled on or after January 1, 2022, such disabled participant shall be entitled to a monthly disability benefit equal to 50% of the participant’s monthly salary at the time the disability was incurred. The disability retirement benefit otherwise payable under this plan shall be offset by any Social Security disability benefits received by the participant for the same injuries.

Disability benefit payments shall cease upon death or upon recovery from disability prior to the date on which the disabled participant would have reached his normal retirement date if he had continued as an active participant under the plan. If disability benefits cease due to death before the participant’s attainment of his normal retirement date, the death benefit payable shall be the appropriate preretirement death benefit described in Section 4.2, without any reduction with respect to disability payments that have been made. For the purpose of determining whether there has been a recovery, the plan administrator may require evidence of continued disability. Such evidence may include examination by a doctor selected by the plan administrator. The participant’s refusal to submit to medical examinations shall render him ineligible for disability benefits.

If disability continues until attainment of normal retirement date, the disability benefit shall continue until death.

Disability means inability to engage in the essential job duties required of a firefighter for the Employer by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months and that is the result of the performance of police services for the employer.

The permanence and degree of the impairment shall be supported by medical evidence. The plan administrator shall determine whether the participant is disabled as defined hereunder after consultation with a physician chosen by the plan administrator. The physician shall examine the participant at the participant's place of residence or at a place mutually agreed upon. In the administration of this Section, all employees shall be treated in a uniform manner in similar circumstances.

Section 5.1 – Vesting, shall be revised to read as follows:

Section 5.1 – Vesting

If a participant separates from the service of the employer other than by retirement, death, or disability, he shall be entitled to a vested deferred pension equal to the benefit accrued to the date of termination multiplied by the vesting percentage, based upon his years of vesting service to the date of termination. His vesting percentage shall be determined by the vesting schedule set forth below:

<u>Years of Service</u>	<u>Vesting Percentage</u>
0-11 Years	0%
12 or More Years	100%

Section 5.2 – Payment of Benefits, subsection (c), shall be revised to read as follows:

Section 5.2 – Payment of Benefits

...

(c) Payment Prior to Normal Retirement Date – No payment shall be made prior to normal retirement, disability retirement, or death. Nevertheless, if the participant is not eligible for normal retirement or disability retirement at the time of his termination of employment, he may elect to have paid to him an amount equal to his accumulated contributions as soon as administratively possible after severance of employment as provided in Section 6.2..

...

Notice is hereby given by the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania that Town Council will consider a proposed Ordinance for adoption at the regularly scheduled public meeting of the Borough of Chambersburg on August 22, 2022, at 7:00 p.m. The title of the proposed Ordinance is:

**AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG,
FRANKLIN COUNTY, PENNSYLVANIA AMENDING THE RETIREMENT
PLAN FOR PAID FIREMEN AS ORIGINALLY EFFECTIVE
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THE CODE OF THE BOROUGH OF CHAMBERSBURG IN ORDER
TO ADD A DISABILITY RETIREMENT BENEFIT.**

A summary of the provisions of the proposed Ordinance is as follows:

Adopts and enacts Pension Plan Amendment No. 3, which is summarized as follows:

Amends the Borough of Chambersburg Retirement Plan for Paid Firemen by adding a new provision for disability retirement in the event of a service-connected disability and establishing various provisions and regulations applicable to the Disability Retirement provisions, including employee eligibility, definitions, and allocation of benefit. Also amends other ancillary sections of the Retirement Plan to recognize the possibility of a disability retirement benefit.

Copies of the proposed Ordinance may be examined without charge in the Office of the Chambersburg Borough Manager, 100 S. 2nd Street, Chambersburg, PA 17201 during normal business hours which are Monday through Friday, 8:00 AM to 5:00 PM. A copy of the proposed Ordinance has also been furnished to the Franklin County Law Library, 100 Lincoln Way East, 3rd Floor, Chambersburg, PA and is available for inspection during normal business hours at those offices.

In accordance with the Americans with Disabilities Act, any person who needs an accommodation in order to gain access to or participate in this public meeting should call 717-264-5151 prior to the public hearing date.

Jeffrey Stonehill, Borough Manager

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PUBLIC OPINION – PLEASE ADVERTISE ONE TIME ONLY IN THE LEGAL COLUMN ON Friday, August 19, 2022. PLEASE PROVIDE A PROOF OF PUBLICATION AND BILL TO THE BOROUGH OF CHAMBERSBURG.

THANKS,

Jamia L. Wright, BOROUGH SECRETARY

P O Number: 2022-3705/70115