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**Part 1**

**Officers**

**§101. Time, Day and Place of Regular Meetings.**

The regular meetings of the Council of the Borough of Stroudsburg shall convene on every third Wednesday of each month at 7:00 P.M., in the Municipal Building. (Ordinance 599, December 19, 1983; as amended by Ordinance 690, March 14, 1990, §1; and by Ordinance 723, 5/19/1993, §1)

**§102. Compensation of Councilpersons.**

The compensation of each of the Councilmembers of the Borough of Stroudsburg is hereby fixed at the sum of two thousand five hundred dollars (\$2,500.00) per annum, payable in monthly installments, coming from the general funds of the Borough. The Borough has at the present time a population of more than five thousand (5,000) persons therein. (Ordinance 572, March 12, 1980; as amended by Ordinance 748, February 5, 1997)

**§103. Compensation of Mayor.**

The salary of the Mayor of the Borough of Stroudsburg, in the County of Monroe and State of Pennsylvania, as of January 1, 1997, is hereby fixed at the sum of three thousand dollars (\$3,000.00) per annum, payable in monthly installments from the general funds of the Borough. The Borough has at the present time a population of more than five thousand (5,000) persons, according to the latest census. (Ordinance 571, March 12, 1980; as amended by Ordinance 748, February 5, 1997)

**§104. Compensation of Tax Collector.**

The compensation of the Borough of Stroudsburg's Tax Collector for the collection of taxes shall be:

Two percent (2%) of all taxes collected.

(Ordinance 599, December 19, 1983)

**§105. Auditor.**

1. The office of Borough Auditor is hereby abolished and an independent Auditor is hereby appointed who shall be a Certified Public Accountant registered in the

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Commonwealth of Pennsylvania and the same shall perform certain duties as specified by law.

2. It shall be the duty of the said Certified Public Accountant to make an independent examination of the accounting records of the Borough for the fiscal year and shall perform such other duties and exercise such powers as are conferred upon him by the Borough Code.
3. In the event that there should be a vacancy in the office of elected Auditor from and after the effective date [of this section the] vacancy so occurring shall be filled by the said appointed Certified Public Accountant who shall give bond as required by law.

(Ordinance 601, March 14, 1984)

## **Part 2**

### **Borough Manager**

#### **§201. Office of Manager Created.**

The office of Borough Manager is hereby created by the Borough of Stroudsburg, subject to the right of the Borough, by ordinance, at any time to abolish such office. (Ordinance 563, November 3, 1978, §1)

#### **§202. Election by Council.**

As soon as practicable after the enactment of this ordinance, the Borough Council shall elect, by majority vote of all its members, one person to fill the office of Borough Manager who shall serve until removed by a majority vote of Council. (Ordinance 563, November 3, 1978, §2)

#### **§203. Criteria for Selection; Residency Requirements.**

The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of the office as herein outlined. The Manager need not be a resident of the Borough or of the State of Pennsylvania at the time of his appointment but within three (3) months thereafter he shall become, and during his tenure as Manager, shall remain a resident of the Borough. The Manager shall reside within the Commonwealth of Pennsylvania within fifteen (15) miles of the Borough of Stroudsburg during the term of the Managers contract and any renewals hereof. (Ordinance 563, November 3, 1978, §3; as amended by Ordinance 718, May 13, 1992)

#### **§204. Payment of Bond Required.**

Before entering upon his duties, the Borough Manager shall give a bond to the Borough with a bonding company as surety, in the sum of forty thousand dollars (\$40,000.00), conditioned for the faithful performance of his duties, premium for the said bond to be paid by the Borough of Stroudsburg. The bond of the Borough Manager may be included in, and the Manager may be bonded under and covered by a blanket bond which may now or hereafter be in force and effect for all Borough employees in the aforesaid amount of forty thousand dollars (\$40,000.00). (Ordinance 563, November 3, 1978, §4; as amended by Ordinance 599, December 19, 1983)

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### **§205. Compensation.**

The Borough Manager shall receive such compensation as shall be fixed from time to time by Council. (Ordinance 563, November 3, 1978, §5)

### **§206. Powers and Duties.**

The Manager shall be the chief administrative officer of the Borough and he shall supervise and be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute or ordinance imposed or conferred upon other Borough officers.

1. Subject to recall by ordinance, the powers and duties of the Manager shall include the following:
  - A. He may with the approval of Council, hire and when necessary for the good of the service, suspend or discharge all employees under his supervision, provided that persons covered by the Civil Service provisions of the Borough Code shall be hired, suspended, or discharged in accordance with such provisions.
  - B. He shall prepare and submit to Council, on a date designated by Council, a budget for the next fiscal year with an explanatory budget message. In preparing the budget, the Manager shall obtain from the head of each department, agency, board, or officer, estimates of revenues and expenditures and other supporting data as Council requests. The Manager shall review such estimates and may revise them before submitting the budget to the Council.
  - C. He shall be responsible for the administration of the budget after its adoption by the Council.
  - D. He shall hold such other municipal offices or head one or more of the municipal departments as the Council may from time to time direct, and shall perform all the duties of such offices, in addition to the specific duties assigned to the Manager by this ordinance.
  - E. He shall attend all meetings of Council and its committees with the right to take part in the discussion and he shall receive notice of all special meetings of Council or its committees.
  - F. He shall prepare the agenda for each meeting with recommendations from Council and supply facts pertinent thereto.
  - G. He shall keep the Council informed as to the conduct of Borough affairs; submit periodic reports on the condition of the Borough finances and such

other reports as the Council requests; and make such recommendations to the Council as he deems necessary.

- H. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
- I. He shall see that the provisions of all franchises, leases, permits, and privileges granted by the Borough are observed.
- J. He may employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.
- K. He shall supervise the performance and faithful execution of contracts except insofar as such duties are expressly imposed upon some other Borough officer by statute, or ordinance.
- L. He shall take the necessary steps to collect any obligations owed to the Borough and will make a reasonable effort to obtain payment of said obligations, including, when necessary, the filing of claims and law suits subject to the approval of Council and after a review of the claim by the Borough Solicitor.
- M. He shall be the Purchasing Officer of the Borough and he shall purchase, in accordance with the provisions of the Borough Code and the policies of Council, all supplies and equipment for the various agencies, boards, departments and other offices of the Borough. He shall keep an account of all purchases and shall from time to time or when directed by Council, make a full written report thereof. He shall also issue rules and regulations — subject to the approval of Council — governing the requisition and purchasing of all municipal supplies and equipment.
- N. All complaints regarding services or personnel of the Borough shall be referred to the Office of the Manager. He shall investigate and dispose of such complaints, and the Manager shall report thereon to Council.
- O. He shall cooperate with the Borough Council at all times and in all matters that the best interests of the Borough and of the general public may be maintained.

(Ordinance 563, November 3, 1978, §6)

#### **§207. Council to Work Through Manager.**

Except for the purpose of inquiry, the Council, its committees, and its members, whenever practicable, shall deal with the administrative service solely through the Borough

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Manager and neither the Council nor any of its committees, or any of its members shall give orders, publicly or privately, to any subordinates of the Manager. (Ordinance 563, November 3, 1978, §7)

### **§208. Absence of Manager.**

In case of illness or absence of the Manager from the Borough, the Council shall designate one qualified person to perform the duties of the Manager during his absence or disability. (Ordinance 563, November 3, 1978, §8)

**Part 3**

**Boards, Commissions, and Departments**

**A. Planning Commission.**

**§301. Creation of Commission.**

A Borough Planning Commission, to be composed of nine (9) members, appointed as provided by law (P.S. 53 §10202), is hereby created in and for the Borough of Stroudsburg. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided, the Planning Commission previously created in and for the said Borough of Stroudsburg shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Borough planning commissions in effect at the time of the happening of the said vacancy. (Ordinance 570, March 12, 1980; as amended and reenacted by Ordinance 599, December 19, 1983)

**B. Shade Tree Commission.**

**§311. Creation of Commission; Membership; Powers and Duties.**

The Council of the Borough of Stroudsburg hereby creates a Shade Tree Commission, to be composed of five (5) residents of the Borough, who shall be appointed by the Council and shall serve without compensation for their terms of office and with all the rights, powers, duties and obligations provided for by law (Act of February 1, 1966 (P.L. 1656, No. 581), as amended). (Ordinance 124, December 7, 1921; as amended and reenacted by Ordinance 599, December 19, 1983; as amended by Ordinance 835, November 19, 2003)

**§312. Express Authority of Shade Tree Commission.**

The collection of assessments, the filing of liens, the levying of taxes and the collection of penalties, whether by the Commission or on behalf of the Borough, are expressly authorized as provided for in the law. (Ordinance 124, December 7, 1921; as amended and reenacted by Ordinance 599, December 19, 1983)

**§313. Rules and Regulations Authorized; Penalty for Violation.**

The Commission is hereby authorized to prescribe such rules and regulations, and to impose such penalties for the violation of same, as it may deem necessary and proper, provided that the rules and regulations are approved by the Council and are not in conflict with other ordinances of the Borough. (Ordinance 124, December 7, 1921; as amended and reenacted by Ordinance 599, December 19, 1983)

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### **§314. Annual Report.**

The Shade Tree Commission shall report annually to the Council on all transactions and expenses for the preceding fiscal year. (Ordinance 124, December 7, 1921; as amended and reenacted by Ordinance 599, December 19, 1983)

### **C. Recreation Board.**

#### **§321. Creation of Board.**

That there is hereby created a recreation board known as the Recreation Board of the Borough of Stroudsburg. (Ordinance 589, March 10, 1982, §1)

#### **§322. Membership and Term of Office.**

That the Board shall be composed of six (6) members, with one appointment a high school student member to be appointed by the Borough Council of the Borough of Stroudsburg with the power to provide, conduct, and maintain public recreation areas, facilities, and centers, subject to all the responsibilities of the Recreation Enabling Legislation. The Board members shall serve for terms of five (5) years, with the exception of the high school student member, who shall be appointed to a term of two (2) years and until their successors are appointed except that the members first appointed shall be so appointed that the term of one member shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members shall serve without pay. (Ordinance 589, March 10, 1982, §2; as amended by Ordinance 647, May 4, 1988; §1)

#### **§323. Administrative Responsibilities.**

That the Recreation Board shall appoint from its membership a chairman and such other officers as it may deem necessary for the orderly procedure of its business, and may adopt by-laws, rules and regulations covering its procedure not inconsistent with the provisions of the state laws. The Recreation Board, shall from time to time, make rules governing the operation and conduct of the recreational facilities operated by the Board. The Board shall hold regular meetings at such time and places as it may designate. (Ordinance 589, March 10, 1982, §3)

#### **§324. Maintain and Supervise Recreational Facilities.**

That the Recreation Board shall maintain, operate and supervise the public parks, play-fields and all outdoor and indoor recreation areas and facilities, owned or controlled by the Borough of Stroudsburg. (Ordinance 589, March 10, 1982, §4)

**§325. Acceptance of Gifts, Incurrence of Debt.**

That the Recreation Board may accept any grant, gift, or donation of services, equipment, real estate, or money from any individual or group to be used as specified by the donor, or by the terms of acceptance. The Recreation Board shall have no authority to enter into any contract or incur any debt or obligation binding upon the Borough Council of the Borough of Stroudsburg, unless so authorized by Borough Council. (Ordinance 589, March 10, 1982, §5)

**§326. Employment of Personnel.**

That the Recreation Board shall recommend to the Borough Manager the persons to be employed by the Borough of Stroudsburg as recreation directors, supervisors and such other employees as the Recreation Board deems necessary or advisable. The executive director of recreation, shall possess the necessary qualifications and shall have demonstrated by actual work his ability to organize and direct community recreation. (Ordinance 589, March 10, 1982, §6)

**§327. Disbursement of Funds.**

That funds appropriated by the governing bodies of the Borough of Stroudsburg and budgeted to Parks recreation shall be disbursed by the Borough Manager of Stroudsburg, upon vouchers issued by the Recreation Board or Recreation Director, within the annual budget appropriations. Funds received by the Recreation Board from sources other than budget appropriations shall be deposited by the Borough Manager or Borough Treasurer of the Borough of Stroudsburg, to the credit and for the use of the Borough, and disbursed as the budgeted funds are disbursed, except that funds received by gift, bequest, or otherwise shall be disbursed in accordance with the terms of such gift, or bequest, or the terms of the acceptance thereof. (Ordinance 589, March 10, 1982, §7)

**§328. Reports to be Made; Requested By Council.**

That the Recreation Board shall make full and complete reports to the governing body at such times as may be designated or requested by the governing body. (Ordinance 589, March 10, 1982, §8)

**§329. Powers Vested in Board.**

That such powers as are now or may hereafter be provided by statute of the Commonwealth of Pennsylvania, or by ordinance of the Borough Council of the Borough of Stroudsburg, relating to the development and operation of recreation systems, public parks and playgrounds, are hereby vested in the recreation board, to be exercised by it subject to any and all restrictions, contained in such powers and ordinances or as designated by the Borough. (Ordinance 589, March 10, 1982, §9)

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### **D. Regional Police Department.**

#### **§351. Title.**

This Part 3D shall be known and may be cited as the "Borough of Stroudsburg Ordinance Authorizing an Intergovernmental Agreement Establishing a Regional Police Department." (Ord. 775, 5/24/1999, §1)

#### **§352. Approval of Agreement Establishing Regional Police Department.**

The "Intergovernmental Cooperation Agreement Establishing Regional Police Department" with the Borough of East Stroudsburg and Stroud Township, marked as Exhibit "A," attached hereto and incorporated herein by reference, is hereby approved, adopted and authorized, provided that the Borough of East Stroudsburg, and Stroud Township by ordinance, approve, adopt and authorize the execution of the same Agreement. (Ord. 775, 5/24/1999, §2)

#### **§353. Provision for Implementing Resolutions.**

The Borough Council of the Borough of Stroudsburg may by resolution adopt procedures and regulations to implement the Agreement approved by this Part 3D, pursuant to the Intergovernmental Cooperation Act, Act of December 19, 1996, P.L. 1158, No. 177, found at 53 Pa.C.S.A. §2301 et seq. (Ord. 775, 5/24/1999, §3)

### **E. Board of Health; Health Officer.**

#### **§361. Establishment of Board of Health and Health Officer.**

There is hereby established a Board of Health and the position of Health Officer in and for the Borough of Stroudsburg under and in accordance with the provisions of the Borough Code, P.S. 53 §48101 et seq. Such Board of Health and Health Officer shall enforce all health laws and ordinances of the Borough as well as all environmental, health and safety rules and regulations which are promulgated from time to time by the Pennsylvania Departments of Health and Environmental Resources (Titles 25 and 28, Pennsylvania Code), but not enforced by agents of those Departments within the Borough.

### **F. Traffic/Pedestrian Safety Commission.**

#### **§371. Creation of the Board.**

There is hereby created a board known as the Traffic/Pedestrian Safety Commission of the Borough of Stroudsburg. (Ord. 826, 10/16/2002, §1)

**§372. Purpose.**

The purpose of the board is to develop, revise, implement and recommend a comprehensive program for traffic calming and pedestrian safety and define policies and procedures for the application and funding of a comprehensive program of traffic calming and pedestrian safety. (Ord. 826, 10/16/2002, §2)

**§373. Membership and Terms of Office.**

The task force shall be composed of no less than five (5) members nor more than nine (9) members, one of whom will be a member of the Jacob Stroud Corporation. All members shall be appointed by the Council and shall serve without compensation for their terms of office. Members shall serve a term of four (4) years, except for the terms of the persons initially appointed, which shall be staggered so that three (3) terms begin on the date of appointment and expire one (1), two (2) and three (3) years, respectively, from the start date of the task force. The initial terms will expire at the end of the year in which the date of appointment was made, according to the one (1), two (2) and three (3) year terms. (Ord. 826, 10/16/2002, §3)

**§374. Administrative Responsibilities.**

The Traffic/Pedestrian Safety Commission shall appoint from its membership a Chairman and other such officers as it may deem necessary for the orderly procedure of its business and may adopt bylaws, rules and regulations covering its procedure not inconsistent with the provisions of the State laws. The task force shall hold regular meetings at such time and place as it may designate. (Ord. 826, 10/16/2002, §4)

**§375. Disbursement of Funds.**

The funds appropriated by the Borough Council of the Borough of Stroudsburg and budgeted to the Traffic/Pedestrian Safety Commission shall be disbursed by the Borough Manager of the Borough of Stroudsburg, upon vouchers issued by the Traffic/Pedestrian Safety Commission within the annual budget appropriation. Funds received by the Traffic/Pedestrian Safety Commission other than budget appropriations shall be deposited by the Borough Manager or Borough Treasurer of the Borough of Stroudsburg, to the credit and for use of the Traffic/Pedestrian Safety Commission, and disbursed as the budgeted funds are disbursed, except that funds received by gift, bequest or otherwise shall be disbursed in accordance with the terms of such gift or bequest or the terms of the acceptance thereof. (Ord. 826, 10/16/2002, §5)

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### **§376. Reports.**

The task force shall make full and complete reports and recommendations to the Council at such times as may be designated or requested by the Council. (Ord. 826, 10/16/2002, §6)

**Part 4**

**Stroud Area Regional Police Department Pension Plan**

**A. Uniformed Pension Plan.**

**§401. Establishment of Plan; DROP Provisions; Effect on Existing Provisions; Intent; When Effective.**

The Borough Council of the Borough of Stroudsburg approves and adopts the following revised Stroud Area Regional Police Department Police Pension Plan, including the DROP provisions (including release), the QDRO provisions, and the Act 30 changes, as set forth herein:

- A. The “whereas” provisions of this ordinance are incorporated with the Police Pension Plan as if fully set forth.<sup>1</sup>
- B. The existing Stroud Area Regional Police Department Police Pension Plan is amended in its entirety to read as set forth in Exhibit A.<sup>2</sup>
- C. The DROP Release attached as Exhibit B is hereby adopted and will thereafter be attached as an Exhibit A to the SARPD Police Pension Plan.<sup>3</sup>
- D. All provisions of the existing SARPD Police Pension Plan which are inconsistent herewith are hereby repealed.
- E. The provisions of this Part are severable. If any sentence, clause, section or part of this Part is for any reason found to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such decision or holding of the court shall not affect or impair the validity of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of Council that this Part would have been adopted had such illegal, invalid or unconstitutional sentence, clause, section or part thereof not been included therein. Furthermore, it is the intent of this Part not to be contrary to any established laws or regulations of the Commonwealth of Pennsylvania regarding municipal police pension plans.
- F. This Part shall be effective in five days.

(Ord. 791, 12/20/2000; as amended by Ord. 809, 11/7/2001; and by Ord. 891, 8/6/2008)

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<sup>1</sup> Editor's Note: The “whereas” provisions of the ordinance adopting this Part are on file in the Borough offices.

<sup>2</sup> Editor's Note: Exhibit A is on file in the Borough offices.

<sup>3</sup> Editor's Note: Exhibit B is on file in the Borough offices.

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### §402. Amendments.

1. The “whereas” provisions of this ordinance are incorporated with the Police Pension Plan as if fully set forth.<sup>3a</sup>
2. The following pages of said Plan are revised, or added, as the case may be, to reflect the amendment, or addition, of the following Sections:

	<u>Page</u>	<u>Section</u>	<u>Change</u>	<u>Effective Date</u>
(a)	15	4.5(a)	The following language was deleted in its entirety: “However a Death Benefit under this section shall not be paid if the police officer's Beneficiaries are entitled to receive a Killed in Service Death Benefit under subsection (c).”	
(b)	16	4.5(c)	The language in 4.5(c) is deleted in its entirety and replaced with the following language: “Repealed; the Killed in Service Death Benefit is deleted from this Police Pension Plan in its entirety.”	
(c)	16	4.5(d)	The term “Killed in Service Death Benefit” is deleted from 4.5(d) in its entirety.	

Said pages, as revised and amended, are attached hereto<sup>3b</sup> and made a part thereof.

(Ord. 917, 5/5/2010, §§1, 2)

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<sup>3a</sup> Editor's Note: The “whereas” provisions of the ordinance adopting this Part are on file in the Borough offices.

<sup>3b</sup> Editor's Note: Pages are on file in the Borough offices.

**B. Nonuniformed Employees of Stroud Area Regional Police Department Money Purchase Pension Plan.**

**§411. Stroud Area Regional Police Department Nonuniformed Employees Money Purchase Pension Plan.**

1. The “whereas” provisions of this ordinance, including all exhibits, are incorporated herein as if fully set forth.<sup>4</sup>
2. The Stroud Area Regional Police Department Nonuniformed Employees Money Purchase Pension Plan, as amended, and as attached hereto as Exhibit A,<sup>5</sup> is hereby approved and adopted.
3. The actions of the Stroud Area Regional Police Commission in establishing, implementing, and administering the Plan are hereby approved and ratified.
4. The Stroud Area Regional Police Commission is appointed agent of the Borough of Stroudsburg for the purpose of continuing to implement and administer the Plan.
5. This Part shall be effective immediately.

(Ord. 902, 4/1/2009)

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<sup>4</sup> Editor's Note: The “whereas” provisions of the ordinance adopting this Part are on file in the Borough offices.

<sup>5</sup> Editor's Note: Exhibit A is on file in the Borough offices.



**Part 5**

**Nonuniformed Borough Employee Pension Plan**

**§501. Administration.**

1. Borough Council shall administer the plan by such regulations as shall, from time to time, be necessary for the effective maintenance of the plan; provided that no regulations shall be contrary to the statutes of the Commonwealth of Pennsylvania and/or applicable Federal regulations.
2. The Council may appoint a Committee which shall act as an advisory body to the Council in the administration of the plan according to the regulations established pursuant to this section.
3. The Committee shall consist of seven members, which number shall include the Council President, a Council member, the Borough Secretary/Treasurer and four plan participants. All persons so designated shall serve at the pleasure of the Council. Any member may resign upon written notice to the Council and the Committee. Any vacancies in the Committee arising from resignation, death or removal shall be filled by the Council by the procedure set out herein for the member of the Committee whose resignation, death or removal has created the vacancy. The Committee shall meet no less than annually and shall serve without compensation for their services.
4. The Committee shall act by such procedure as the Committee shall establish, provided that all decisions shall be by majority vote. The Committee may authorize one of its members to execute any document or documents on behalf of the Committee, may adopt bylaws and regulations as it deems necessary for the conduct of its affairs, and may appoint such accountants, counsel specialists or such other personnel as it may deem desirable for the proper administration of the plan; provided that all such executions of documents, adoptions of bylaws and regulations, and appointments shall be approved by Council.
5. The Committee shall keep a record of all its proceedings and acts which shall relate to the plan, and shall keep all such books of accounts, records and other data as shall be necessary for the proper administration of the plan. All actions of the Committee shall be communicated to the Council.
6. All such reasonable expenses incurred in the administration of the plan including, but not limited to, fees for the services of specialists including actuaries, accountants, consultants and legal counsel shall be approved by the Council and all may be paid from the plan, provided that no such payment shall be contrary to the statutes of the Commonwealth of Pennsylvania.
7. No member of the Council or the Committee established pursuant to this section shall incur any liability for any action or failure to act, excepting only liability for

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its own gross negligence or willful misconduct. The employer shall indemnify each member of Council and the Committee against any and all claims, loss, damages, expenses and liability arising from any action or failure to act, except for such that is the result of gross negligence or willful misconduct of such member.

(Ord. 817, 6/5/2002, §1)

### **§502. Coverage.**

This plan shall cover all full-time nonuniformed Borough employees, hereinafter referred to as "member," of the Borough. Membership for elected officials and new employees hired on a temporary, part-time or seasonal basis is prohibited as is membership for individuals paid only on a fee basis. Individual membership shall be effective as of the date of this Part or upon the date of hire of the individual, whichever is more recent.

- A. Credited service shall accrue from the original member's date of hire as long as there is continuous uninterrupted employment to the Borough.
- B. No credited service time shall be granted for time employed in a status other than active employee of the Borough excluding credit for purchased military service or reinstatement of previous service.

(Ord. 817, 6/5/2002, §2)

### **§503. Superannuation Retirement.**

Eligibility for superannuation retirement shall occur upon the member's attainment of 60 years of age or older and the completion of at least 10 years of credited service.

(Ord. 817, 6/5/2002, § 3; as amended by Ord. 855, 11/16/2005)

### **§504. Basic Benefit.**

The basic annual benefit shall be equal to 5% of the member's final salary multiplied by all years of credited service; provided, however, in no event shall the basic benefit exceed 50% of the member's final salary.

(Ord. 817, 6/5/2002, §4)

### **§505. Final Salary.**

The final salary shall be the average annual compensation earned and paid during the member's highest five consecutive years of employment, or if not so long employed, then

the average annual compensation earned and paid during the whole period of such employment. Final salary shall not include lump-sum payments for unused sick, vacation, personal or other leave.

(Ord. 817, 6/5/2002, §5)

**§506. Early Retirement.**

A member who has separated from employment after 20 years of credited service may retire early. Benefits will be actuarially reduced for each year or partial year thereof that early retirement takes place prior to age 60.

(Ord. 817, 6/5/2002, § 6; as amended by Ord. 855, 11/16/2005)

**§507. Death Benefit.**

1. Should a member die who has either:
  - A. Met the requirements for a superannuation retirement found in §503 of this Part but has not yet retired; or
  - B. Met the requirement for vesting found in §510 of this Part but has not yet vested; or
  - C. Actually elected to vest a benefit but has failed to attain superannuation retirement age, then the death benefit shall be paid to the member's named beneficiary. The death benefit shall be a payment equal to the present value of the accrued benefit as of the date of the member's death.
2. A member who is entitled to a superannuation retirement allowance because of meeting the requirements found in §503, or a member who is eligible to vest or who has vested in accordance with §510 of this Part may file a written application for a retirement benefit, selecting a retirement option and requesting that such election become effective upon the death of the member. The application must be filed with the Borough.
3. If no application for retirement was prefiled by a member who dies and who was eligible for the death benefit found in this section, it shall be considered that the member elected Option 1 as provided in §511 of this Part. In such event the payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form on file with the Borough or in the absence of such a form, the estate of the member.

(Ord. 817, 6/5/2002, §7)

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### **§508. Military Service.**

1. Any member employed by the Borough who enters the uniformed services as defined by the 1994 Uniformed Services Employment and Reemployment Rights Act (P.L. 103-353) and returns to the Borough to again be a member of the plan within the authorized time period of the law, shall have the authorized time spent in such service credited to the member's employment record for pension or retirement benefits if the individual makes the required employee contributions.
2. An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or national emergency, so proclaimed by the President of the United States, for a period not to exceed five years, provided the member has completed five years of service to the Borough subsequent to such military service. An active member may file an application with the Borough for permission to purchase credit for nonintervening military service upon completion of five years of subsequent service to the Borough.
3. The amount due from the member shall be certified by the Borough in accordance with methods approved by the actuary. It shall be paid in a lump sum within 30 days of the date the amount is determined.
4. The rate of interest to be charged to a member on purchase of credit for nonintervening military service shall be the rate being credited by the plan to members' accounts in effect on the date of the member's application, compounded annually, which as of the date of this Part is 6.5%. This rate may be amended in the future by resolution.
5. A member may purchase credit for intervening or nonintervening military service only if discharge or separation from the service was granted under other than dishonorable conditions. A member may not purchase military credit for any service that is covered by another retirement system administered and wholly or partially paid for by any other government agency or private employer.

(Ord. 817, 6/5/2002, §8)

### **§509. Contributions by Members.**

1. Members shall contribute 5% of their total compensation. If sufficient funds exist, the Borough may annually elect to waive or lower the required member contribution rate by adopting a resolution. Payment shall be made by payroll deductions and transmitted to the fund in accordance with established fund procedures. Member contributions will be treated as taxed at the time they are made to the fund, will be tracked separately, and will not be treated as taxable when paid out to the member.  
[Ord. 938]

2. If a member terminates prior to becoming eligible for any benefit or the member elects not to receive a benefit, that individual shall be entitled to all accumulated contributions and interest allocated to the member's account.

(Ord. 817, 6/5/2002, §9; as amended by Ord. 938, 1/3/2011)

**§510. Vesting.**

After five years of credited service, a member shall be 50% vested. For each complete year of service thereafter, the member's vested benefit shall increase by 10% until, after 10 years of credited service, the member shall be 100% vested in the benefit. A member shall file an application with the Borough within 90 days of separation from employment. Upon attainment of the superannuation age requirement found in §503 of this Part, a basic benefit will be calculated in accordance with §504 of this Part.

(Ord. 817, 6/5/2002, §10)

**§511. Options on Superannuation, Early Retirement or Vesting.**

1. At the time a member elects to receive a retirement benefit allowance, the benefit may be payable throughout the member's life, in which case, the benefit is known as a single life annuity. The member may alternatively elect at the time of retirement to receive the equivalent actuarial value in a lesser allowance, payable throughout life with provisions that:
  - A. Option 1. If the member dies before receiving in payments the present value of the retirement allowance as it was at the time of retirement, the balance, if less than \$5,000, shall be paid in a lump sum to the designated beneficiary if living, or if the named beneficiary predeceased the member or if no beneficiary was named, then to the member's estate. If the balance is \$5,000 or more, the beneficiary shall be paid an annuity having a present value equal to the balance payable to the member.
  - B. Option 2. Upon the annuitant's death, the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.
  - C. Option 3. Upon the annuitant's death, 1/2 of the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.
  - D. Option 4. A member may elect to receive, in one payment at the time of retirement, the full amount of the member's accumulated deductions standing to the member's credit in the member's account. In so electing this option, the member forfeits the portion of the annuity paid for from the accumulated contributions, but shall continue to be entitled to an annuity com-

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prised of the Borough contribution and any investment monies so credited to the account. Any member electing this option shall be entitled to receive his remaining annuity calculated in accordance with any of the other options provided for in this section.

2. Should a member who has elected a single life annuity die before receiving in annuity payments the full amount of the total accumulated deductions standing to their credit in the member account on the effective date of retirement, the balance shall be paid to the designated beneficiary.

(Ord. 817, 6/5/2002, §11)

### **§512. Social Security Offset.**

There shall be no offset for social security retirement benefits received by a member.

(Ord. 817, 6/5/2002, §12)

### **§513. Cost of Living Increases.**

Cost-of-living increases may be provided for members of the plan receiving retirement benefits as authorized by the Borough Council of the Borough of Stroudsburg at a duly called public meeting. Any such cost of living increase shall not exceed the percentage increase in the Consumer Price Index (U.S. City Average for All Urban Consumers). In no case shall the total municipal employee pension benefits exceed 75% of the salary for computing retirement benefits. The total cost of living increase shall not exceed 30%. No cost of living increase shall be granted which would impair the actuarial soundness of the Pension Fund.

(Ord. 855, 11/16/2005)

### **§514. Determination of Borough Liability.**

1. The Borough will actuarially determine the normal cost of the plan and any liability associated with the plan's actuarial experience which shall be contributed annually by the Borough for the service credits of the members.
2. The amounts so determined shall be computed in accordance with the requirements of Act 205 of 1984, the Municipal Pension Plan Fund Standard and Recovery Act, the Borough Code and subsequent amendments to either Act.

(Ord. 817, 6/5/2002, §13; as amended by Ord. 855, 11/16/2005)

**§515. Procedure.**

1. Matters or procedure not covered in this Part shall be as set forth in the Borough Code and as found in Act 205 of 1984, as they shall, from time to time, be amended.
2. Should any change or mistake in records result in any member, beneficiary or survivor annuitant receiving from the plan more or less than the individual would have been entitled to receive had the records been correct, then regardless of the intentional or unintentional nature of the error and upon the discovery of such error, the Borough will correct the error and so far as practicable adjust the payments which may be made for and to such person in such a manner that the actuarial equivalent of the benefit to which the individual was correctly entitled shall be paid.

(Ord. 817, 6/5/2002, §14; as amended by Ord. 855, 11/16/2005)

**§516. Hardship Withdrawal.**

A member may make a one-time financial hardship withdrawal from the member's contributions into the plan, provided that:

A. Emergencies:

- (1) The member makes a written request of withdrawal setting forth the amount of the withdrawal, that the withdrawal is necessitated by some unforeseen emergency, as hereafter defined, and that the member lacks other financial resources readily available to meet the member's need if it arises out of one of the following:
  - (a) A sudden and unexpected illness or accident of the member;
  - (b) A sudden and unexpected illness or accident of a dependent (as defined by IRC 152.a) of the member;
  - (c) Loss of the member's property due to casualty; or
  - (d) Other similar and extraordinary unforeseeable circumstances arising as result of events beyond the control of the member.
- (2) A need to send the member's child to college or a desire to purchase a home is not an unforeseeable emergency.

- B. The member certifies that the member lacks financial resources readily available to meet the member's financial needs by providing the Borough Council with an acknowledged affidavit or certification that the member is unable to meet the member's unforeseeable financial emergency by:

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- (1) Reimbursement or compensation by insurance or otherwise;
  - (2) Reasonable liquidation of the employee's assets;
  - (3) Cessation of elective contributions or employee contributions to the plan; or
  - (4) Loans from commercial sources.
- C. The member must agree to complete a hardship withdrawal request form provided by the Borough.
- D. The member must agree to forfeit any pension benefits for the time period covered by the requested refund.
- E. The member must agree to return to the plan immediately following withdrawal.

(Added by Ord. 894, 11/20/2008)

**Part 6**

**Fire Insurance Proceeds**

**§601. Designated Officer.**

The Borough Manager or their designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein. (Ordinance 741, January 6, 1993, §1)

**§602. Procedures.**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Stroudsburg where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000), unless the named insured or insuring agent is furnished by the Borough Treasurer with a municipal certificate pursuant to §508(B) of Act 98 of 1992 and unless there is compliance with §508(C) and (D) of Act 98 of 1992 and the provisions of this Part. Where pursuant to §508(B)(1)(I) of Act 98 of 1992, the Borough Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or use charges against real property, the insuring agent shall pay the claim of the named insured; provided, however, that if the loss is agreed upon by the named insured and the insuring agent equals or exceeds sixty (60) percent of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

- A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Borough of Stroudsburg in the aggregate of \$1,000 for each \$20,000 of a claim and for each fraction of the amount of a claim, this Section to be applied such that if the claim is \$20,000 or less, the amount transferred to the Borough of Stroudsburg shall be \$1,000; or,
- B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Borough of Stroudsburg from the insurance proceeds the amount specified in the estimate.
- C. The transfer of proceeds shall be on pro rate basis by all companies, associations or exchanges insuring the building or other structure.
- D. After the transfer the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Borough of Stroudsburg in excess of the estimate to the

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named insured, if the Borough has not commenced to remove, repair or secure the building or other structure.

- E. Upon receipt of proceeds under this Section, the Borough of Stroudsburg shall do the following:
- (1) The designated officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Borough of Stroudsburg. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough of Stroudsburg in connection with such removal, repair or securing of the building or any proceedings related thereto.
  - (2) It is the obligation of the insuring agent when transferring the proceeds to provide the Borough of Stroudsburg with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Borough of Stroudsburg and notify the named insured that the proceeds under this subsection shall be followed.
  - (3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Borough of Stroudsburg and the required proof of such completion received by the designated officer, and if the Borough of Stroudsburg has not incurred any costs for repairs, removal or securing of the building or other structure, the Borough of Stroudsburg shall transfer the remaining funds to the named insured.
  - (4) To the extent that interest is earned on proceeds held by the Borough of Stroudsburg pursuant to this Section, and not returned to the named insured, such interest shall belong to the Borough of Stroudsburg. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned. Nothing in this Section shall be construed to limit the ability of the Borough of Stroudsburg to recover any deficiency. Furthermore, nothing in this Subsection shall be construed to prohibit the Borough of Stroudsburg and the named insured from entering into an agreement that permits the transfer of funds to the named insured as if some other reasonable disposition of the damaged property has been negotiated.

(Ordinance 741, January 3, 1993, §2)

**§603. Power of Borough Council.**

Borough Council may by resolution adopt procedures and regulations to implement Act 98 of 1992 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or certificates and bills, performance of inspections and opening separate fund accounts. (Ordinance 741, January 3, 1993, §4)

**§604. Penalties.**

An owner of property, any named insured or any insuring agent who violates this Part shall be subject to a penalty of up to \$1,000.00 per violation. (Ordinance 741, January 3, 1993, §5)

