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Part 1

Appointed Auditors

§101. Establishment. The office of appointed auditor of the Borough of Elizabethville is hereby created. (Ord. 215B, 7/8/1974, §1)

§102. Qualifications. Said appointed auditor shall be a certified public accountant, or a firm of certified public accountants, or a competent independent public accountant, or a firm of independent public accountants. (Ord. 215B, 7/8/1974, §2)

§103. Duties. Hereafter, such auditor shall be appointed annually, by resolution of the Council of the Borough, before the commencement of the fiscal year, to audit the accounts and other evidences of financial transactions of the Borough of Elizabethville and its officers, for the fiscal year then closing, and it shall submit such audit report to Council (Ord. 215B, 7/8/1974, §3)

§104. Abolishment. As provided by said Act, the appointment of such auditor abolishes the office of elected Borough auditor, although the Borough auditors now in office shall continue to hold their office during the term to which elected. (Ord. 215B, 7/8/1974, §4)

§105. Compensation. The compensation of the appointed auditors shall be fixed by Borough Council at the time of employment, and paid by Borough funds. (Ord. 215B, 7/8/1974, §5)

Part 2
Police Department

§201. Establishment. A Police Department is hereby established in and for the Borough of Elizabethville. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members in the exercise of their powers, duties and authority. (Ord. 160, 11/14/1960, §1)

§202. Classifications. Subordinate to the Chief of Police in the Police Department, the following classifications are hereby established: lieutenant, sergeant, and patrolman, or those of such classifications to which Council shall, at any specific time, have appointed one (1) or more police officers. The priority of authority among such subordinate classifications shall be in the order above listed. The number of persons to serve in each of such subordinate classifications, on a full-time and/or a part-time basis, and the compensation of each shall be as determined by the Borough Council from time to time. (Ord. 160, 11/14/1960, §2)

§203. Special Policemen. Nothing herein contained shall affect the authority of the Mayor to appoint special policemen during emergencies. (Ord. 160, 11/14/1960, §3)

Part 3

Elizabethville Area Authority

§301. Intention and Desire to Organize. The Borough Council of this Borough signifies its intention and desire to organize an authority jointly with the Township of Washington, of Dauphin County, Pennsylvania, under provisions of the Pennsylvania Municipality Authorities Act of 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented (the "Act"), for the purposes of exercising any and all powers conferred by the Act. (Ord. 280, 2/11/1991, §1)

§302. Articles of Incorporation. The President of the Council and the Secretary, respectively, of this Borough, are authorized and directed to execute, on behalf of this Borough, Articles of Incorporation for such Authority in substantially the following form: [Here followed the form and substance of said Articles of Incorporation]. (Ord. 280, 2/11/1991, §2)

§303. Notice. The Secretary of this municipality acting jointly with appropriate officers of the Borough of Elizabethville and the Township of Washington, is authorized and directed to cause notice of the substance of this Subpart, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Act. (Ord. 280, 2/11/1991, §3)

§304. Filing with Secretary of the Commonwealth. The Secretary of this municipality, acting jointly with the appropriate officers of the Borough of Elizabethville and the Township of Washington, is authorized and directed to cause such Articles of Incorporation, together with necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania and do all other acts necessary or appropriate to effect the incorporation of the Elizabethville Area Authority, including payment of the required filing fees. (Ord. 280, 2/11/1991, §4)

§305. Members of the Board. The following named persons are appointed the first members to represent this municipality on the Board of such Authority for the following terms of office: [Here followed the names, addresses and terms of office of the first members appointed to the Board.] (Ord. 280, 2/11/1991, §5)

§306. Enactment. The enactment of this Subpart is deemed necessary for the benefit of and preservation of the public health, peace, comfort, and general welfare of citizens of this Borough and will increase the prosperity of citizens of this Borough. (Ord. 280, 2/11/1991, §6)

Part 4

Non-Uniformed Employees Money Purchase Pension Plan and Pension Fund

§401. Establishment of Pension Plan and Pension Fund. There is hereby established in the Borough a pension plan and pension fund. The pension plan shall be known as the "Borough of Elizabethville Non-Uniformed Employees Money Purchase Pension Plan" (hereinafter "plan.") The pension fund shall be known as the "Borough of Elizabethville Non-Uniformed Employees Money Purchase Pension Fund" (hereinafter "fund.") (Ord. 278, 9/10/1990, §1)

§402. Employment of Corporate Fiduciary. The Borough Council is hereby authorized to enter into an agreement of trust with a corporate fiduciary, which agreement of trust shall permit the fiduciary to manage and operate the fund and to receive, hold, invest and disburse any sum or sums as may be necessary to carry out the plan. The Council shall determine the form and terms of any such agreement of trust. (Ord. 278, 9/10/1990, §2)

§403. Creation and Maintenance of the Fund. The fund shall be maintained in the following manner:

A. Payments made by the Treasurer of the Commonwealth to the Treasurer of the Borough from monies received from taxes paid upon premiums by foreign casualty insurance companies and foreign fire insurance companies pursuant to the General Municipal Pension System State Aid Program.

B. Payments made by other gifts, grants, devises or bequests to the fund.

C. Such other payments as may, from time to time, be made by the Borough to the fund from the general revenue of the Borough.

D. All such payments received shall be deemed to be part of the fund and shall not be applied to any other account but shall be placed with a fiduciary appointed by the Council. Payments required under the plan shall not be a charge on any other fund in the Treasury of the Borough.

(Ord. 278, 9/10/1990, §3)

§404. Management of the Fund. The fund shall be deposited with and managed and invested by such corporate fiduciary as the Council shall, from time to time, appoint and shall be subject to such regulations as the Council may, from time to time, prescribe by resolution or ordinance. (Ord. 278, 9/10/1990, §4)

§405. Administration of the Plan.

1. The plan shall be administered by the Borough Council.

2. The Borough Secretary shall keep minutes of the Council's proceedings and all dates, records and documents pertaining to the Council's administration of the plan. The Council may employ and suitably compensate such actuarial and consulting services and advisory, clerical or other

employees and attorneys as it may deem necessary for the performance of its duties. The expenses of the administration of the plan shall be paid from the assets of the fund.

3. The action of the Council shall be determined by the vote or other affirmative expression of a majority of its members. Either the President or the Secretary may execute any certificates or other written direction on behalf of the Council.

4. No Council member shall be liable for any act or omission of any other Council member nor for any act or omission on his own part, excepting only his own willful misconduct. The Borough shall indemnify and save harmless each and every Council member against any and all expenses and liabilities arising from the administration of the plan, excepting only expenses and liabilities arising out of such Council member's own willful misconduct.

5. The Council shall make available to participants of the plan, for examination during business hours, such of its records as pertain only to the participant involved. The Council shall make its records available to the proper governmental officials during business hours and members of the general public upon twenty-four (24) hours notice.

6. The Council, on behalf of the participants of the plan, shall enforce the plan in accordance with the terms of this Part and shall have all powers necessary to accomplish that purpose including, but not limited to, the following:

A. To determine all questions relating to the eligibility of employees to become participants.

B. To compute and certify to the fiduciary the amount and kind of benefits payable to participants.

C. To select any issuing company and annuity contract or other investment which, in the opinion of the Council, will best carry out the purposes of the plan.

D. To make and publish such rules and regulations for the administration of the plan as are not inconsistent with the terms of this Part.

7. The Borough shall supply full and timely information to the Council on all matters relating to the pay of all members, their retirement, death or other cause of termination of employment and such other pertinent data as the Council may require and the Council shall advise the fiduciary with reasonable dispatch of such of the foregoing facts as may be pertinent to the fiduciary's administration of the fund.

(Ord. 278, 9/10/1990, §5)

§406. Provisions and Benefits of the Plan.

1. Each full-time non-union, non-uniformed employee of the Borough working not less than thirty-five (35) hours per week shall become a participant in the plan on the January 1 after his date of employment.

2. There shall be maintained a separate account covering each participant under the plan. Such account shall be increased by the participant's share of employer contributions, investment income, and market value

appreciation of the fund. It shall be decreased by the participant's share of market value depreciation of the fund.

3. A participant under this plan shall be entitled to an allocation of the employer contribution as of each December 31 provided that he is employed on such date. The employer contribution allocated to the account of such eligible participant shall be equal to five (5) percent of the participant's compensation for such calendar year. Investment income and market value appreciation or depreciation shall be allocated to the participants' accounts on each December 31 in proportion to the balances in their accounts on the previous January 1, less distributions during the calendar year.

4. The normal retirement date for each participant shall be the date such participant attains age sixty-five (65). Upon reaching his normal retirement date, a participant shall be one hundred (100) percent vested in the amount in his employer contribution account.

5. If a participant remains employed after his normal retirement date, payment of benefits shall not commence until he actually retires. Such participant shall continue to receive allocations to his account as he did before his normal retirement date. Upon actually retiring, the participant shall be one hundred (100) percent vested in the amount in his employer contribution account at his date of late retirement.

6. A participant may retire before his normal retirement date if he becomes disabled. Upon such disability retirement, the participant shall be one hundred (100) percent vested in the amount in his employer contribution account at his date of disability. "Disabled" means that the participant is unable, by reason of illness (physical or mental) or injury, to perform the duties which were his before the occurrence of such illness or injury and shall be determined by the Council after consultation with a physician chosen by the Council. Notwithstanding such definition, a participant eligible for Social Security disability benefits shall automatically satisfy the requirements for determining disability. In the administration of this Section, all employees shall be treated in a uniform manner in similar circumstances.

7. Upon the death of a participant or former participant at any time before or after retirement or after termination, the beneficiary of such participant shall be one hundred (100) percent vested in the amount in his employer contribution account at the date of death. Each participant shall have the right to designate his beneficiaries, including a contingent death beneficiary, and shall have the right at any time to change such beneficiaries. The foregoing designation shall be made in writing on a form signed by the participant and supplied by and filed with the Council.

8. A participant shall be eligible to voluntarily contribute to the plan during any calendar year up to ten (10) percent of his compensation for such calendar year. There shall be maintained an additional separate account for each participant who elects to voluntarily contribute to the plan. Such account shall be increased by the participant's voluntary contributions and his share of investment income and market value appreciation or depreciation of the fund. Investment income and market value appreciation or depreciation shall be allocated to the participants' employee contribution accounts in the same manner as to the participants' employer contribution accounts.

9. Vested Benefits.

A. If a participant ceases participation, except by retirement, disability or death, his benefits under the plan shall be limited to those provided under the vesting schedule set forth in the following subsection.

B. Upon such termination of participation, the participant shall have a vested interest equal to the amount in his employer contribution account at the date of termination multiplied by the vesting percentage based upon his years of service to the date of termination and determined as follows:

<u>Years of Service</u>	<u>Vesting Percentage</u>
0 - 2 years	0%
3	20%
4	40%
5	60%
6	80%
7 or more years	100%

C. The non-vested portion of a participant's employer contribution account shall be forfeited and used to reduce future employer contributions.

D. A participant is always one hundred (100) percent vested in his employee contribution account.

10. A participant or beneficiary may elect to receive distribution of his account in one (1) of the optional forms of payment outlined below. The participant or beneficiary shall file a written request for benefits with the Council before commencement of payments. Optional forms of payment include:

A. A lump sum payment; however, if the vested account is no more than three thousand five hundred (\$3,500.00) dollars, benefits shall automatically be paid in a lump sum.

B. Installment payments, over a period of ten (10) or fifteen (15) years.

C. A life annuity of any type issued by an insurance company on the life of the participant or beneficiary for such amount as the account will purchase. The ownership of the annuity contract shall remain with the fund, unless the Council determines otherwise. Any annuity contract distributed herefrom shall be nontransferable. The application and directions to the insurance company for such annuity contract shall be made by the Council. Any dividend, refund or recovery or an annuity contract shall be credited to the participant or beneficiary for whom the annuity contract was purchased.

(Ord. 278, 9/10/1990, §6)

§407. Payments to be Free from All Claims. All payments under the plan shall be, to the fullest extent permitted by law, free and clear of any debts, contracts, engagements, anticipations or liability to levy, attachment, execution or sequestration against the recipient, and shall not be subject to sale, assignment, transfer, claim, judgment, or bankruptcy

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proceedings against the recipient of such payments, whether voluntary or involuntary. (Ord. 278, 9/10/1990, §7)

§408. Modification. The plan and fund established by this Part may be discontinued, modified, alternated, terminated or repealed, according to law, by resolution. (Ord. 278, 9/19/1990, §8)

Part 5
Salaries

§501. Compensation of the Borough Council Members. The compensation to members of the Elizabethville Borough Council, other than the Borough Council President, shall be one thousand, two hundred (\$1,200.00) dollars per annum, payable in equal monthly installments. (Ord. 331, 1/12/2009, §1)

§502. Compensation of the Borough Council President. The compensation to the Elizabethville Borough Council President shall be one thousand, three hundred and twenty (\$1,320.00) dollars per annum, payable in equal monthly installments. (Ord. 331, 1/12/2009, §2)

§503. Compensation of the Mayor. The salary of the Mayor of the Borough of Elizabethville shall be one thousand, three hundred and twenty (\$1,320.00) dollars per annum, payable in equal monthly installments. (Ord. 331, 1/12/2009, §3)

§504. Compensation. Members of the Elizabethville Area Authority appointed by the Borough Council of the Borough of Elizabethville shall receive compensation as follows:

A. Chairman. The salary of the Chairman of the Elizabethville Area Authority shall be one thousand, five hundred (\$1,500.00) dollars per annum, payable in equal monthly installments.

B. Treasurer. The salary of the Treasurer of the Elizabethville Area Authority shall be nine hundred (\$900.00) dollars per annum, payable in equal monthly installments.

C. All Other Members. The salary of all other members of the Elizabethville Area Authority shall be six hundred (\$600.00) dollars per annum, payable in equal monthly installments.

(Res. 2001-1, 6/11/2001; as amended by Res. 2009-3, 2/9/2009)

Part 6

Volunteer Firemen's Relief Association

§601. Recognition of Volunteer Firemen's Relief Association.

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough.

Reliance Hose Co. Firemen's Relief Association

The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named association of the Borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 288, 8/8/1994)

§602. Certification to Auditor General. The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General. (Ord. 288, 8/8/1994)

§603. Annual Appropriation. There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act. (Ord. 288, 8/8/1994)

Part 7
Traffic Safety Officer

§701. Position Created; Application Requirements; Powers and Responsibilities.

1. The position of the Traffic Safety Officer (hereinafter "TSO") is hereby created by the Council, subject to the right of the Council at any time to abolish the position of TSO, or to expand or to diminish the responsibilities and duties associated with that position. This position is intended to supplement the workforce of the Borough of Elizabethville Police Department (hereinafter "Department").

2. The authority of the TSO is limited in scope. Under the authority of the Council, through the Council's agent, the Borough Police Chief, the TSO shall provide services to the Borough that promote the safety and welfare of the Borough and its residents.

3. The primary responsibility of the TSO shall be to assist in traffic safety and control as directed by the Council through the agent of the Council, the Borough Police Chief. The TSO shall not possess the power of arrest associated with the Department.

4. The power and responsibilities of the TSO shall include, but are not limited to, the following:

A. Operate as a traffic safety officer, facilitating the flow of traffic in a designated area at a prescribed time in a manner to ensure the health and safety of people within the jurisdiction of the Borough.

B. Operate as a crossing guard.

C. Arrange for the towing of abandoned vehicles and disabled vehicles that disrupt the flow of traffic or pose a risk to the health and safety of the people within the jurisdiction of the Borough.

D. Act as a agent of the Department in notifying the Department of criminal or suspected behavior.

E. Maintain written logs as necessary or as directed by the Borough Police Chief.

F. Perform any other duties assigned by the Council, through the Police Chief, not inconsistent herewith.

5. A TSO shall be appointed by a majority vote of a quorum of the Council. A TSO shall serve at the will of the Council. Employment as a TSO may be terminated with or without cause and with or without notice at any time at the discretion of the Council.

6. To be eligible for appointment to the position of TSO, an applicant shall file with the Council's Office a formal application provided for by the Council's Office in which the applicant shall state under oath or affirmation that person's: full name and residence or post office address, citizenship, place and date of birth, condition of health

and physical capacity for public service as it relates to the position of TSO, business or employment history for the past five (5) years, record of scholastic achievement, criminal history (if any, as required under State law), date of issuance of valid Pennsylvania driver's license, and such other information as the Council may deem appropriate and required.

(Res. 94-4, 8/8/1994)

Part 8

Tax Certification

§801. Fee.

1. A tax certification fee is established for tax information in regard to real property matters in the Borough of Elizabethville.

2. It is hereby ordained that the tax collector is authorized to charge a fee for any tax certification requested in regard to the sale or refinance of real property. The amount of said fee shall be established by resolution of Borough Council.

(Ord. 312, 4/8/2002)

