

BOROUGH OF DUNMORE
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 OF 2025

**AN ORDINANCE OF THE BOROUGH OF DUNMORE, LACKAWANNA
COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 3 OF 2024,
BOROUGH OF DUNMORE POLICE ACT 44 RETIREMENT PROGRAM**

WHEREAS, the Borough of Dunmore did, by prior Ordinance enact, and thereafter amend a Police Pension Plan; and

WHEREAS, on September 18, 2009, Act 44 was approved by the Pennsylvania Legislature amending Title 53 as it relates to Municipal Police Pension Plans; and

WHEREAS, on July 8, 2024 the Borough amended the Police Pension Plan to include an Act 44 retirement program and in particular an Act 44 (DROP) PROGRAM. (Ordinance No. 3 of 2024)

WHEREAS, on November 17, 2017 the Borough of Dunmore entered a Settlement Agreement and Release (Release) with Chief Salvatore Marchese on behalf of himself and his heirs, executors, administrators, successors and assigns (collectively, "Chief Marchese").

WHEREAS, Release in Section 1(a) Post Retirement Benefits, the Borough agreed to amend its Police Pension Ordinance and retroactively allow Chief Marchese to enter the DROP status following enactment of an amended Police Ordinance providing for a DROP benefit.

WHEREAS, to effectuate the provisions of Release Section 1(a), the Borough now seeks to amend its "Borough of Dunmore Police Act 44 Retirement Program".

NOW, THEREFORE, BE IT ORDAINED THAT: the following sections of Ordinance No. 3 of 2024 are amended to include as follows:

SECTION I

3. **Eligibility.** Eligibility for the ACT 44 PROGRAM shall be determined as follows:
 - A. Police Officers who have not retired prior to the implementation of the DROP PROGRAM but who have reached their superannuation date – which is the completion of 25 years of credited service and attaining the age of 55 – by the 31st day of July, 2024, the 30th day of June, 2025. Or the 30th day of June, 2026, may enter into the DROP PROGRAM effective on the day after one of the three above-referenced dates, i.e., August 1, 2024, July 1, 2025, or July 1, 2026, so long as they have satisfied the two criteria for normal retirement of age 55 and 25 years of service, i.e., reached superannuation, by that date. **Chief Marchese shall have until thirty (30) days from the enactment of this Ordinance to notify the Borough of his intention to enter the DROP PROGRAM.**

4. **Written Election.** Eligible Officers who wish to be Participants in the DROP PROGRAM must signify that intention in writing as follows:
 - A. A Police Officer electing to participate in the DROP PROGRAM must complete and execute a “DROP PROGRAM Participation Election Form” prepared by the Borough, which shall evidence the member’s election to participate in the DROP PROGRAM. The form must be signed by the Police Officer and spouse, if any, be notarized and submitted at least seven (7) calendar days prior to the date on which the member wishes DROP PROGRAM participation to commence. The DROP PROGRAM Participation Election Form shall include an irrevocable notice to the Borough, by the Police Officer member, that the Police Officer shall separate

from employment with the Police Department effective on a specific date (the “Separation Date”) that is no more than eighteen (18) months from his/her effective DROP participation date set forth in his/her DROP PROGRAM Election Form. A Police Officer shall cease to work as and may no longer be employed as a Police Officer on the officer’s separation date, unless the Borough properly terminates or honorably discharges the officer prior to the resignation date. A participant may resign from employment at any time while in DROP PROGRAM status, which shall terminate his/her participation in the DROP PROGRAM. **The DROP PROGRAM Participation Election Form to Chief Marchese shall include an irrevocable notice to the Borough, by Chief Marchese, that Chief Marchese shall separate from employment with the Police Department effective on a specific date (the “Separation Date”) that is no more than sixty (60) months from his/her effective DROP Participation date set forth in his/her DROP PROGRAM Election Form.**

SECTION II: All remaining provisions of Ordinance No. 3 of 2024 shall remain in full force and effect.

SECTION III: All elected and appointed officials of Dunmore Borough are authorized to take all action necessary to ensure the implementation and effect the purpose hereof.

SECTION IV: Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION V: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid, or unconstitutional, such judgment or decision shall not affect, impair or invalidate the

remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Dunmore Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION VI: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Dunmore Borough Council.

**ENACTED AND ORDIANED AS AN ORDINANCE BY THE BOROUGH OF DUNMORE
THIS 13th DAY OF FEBRUARY, 2025.**

ATTEST:

BOROUGH COUNCIL






