

ORDINANCE NO. 2023-275

**AN ORDINANCE OF THE BOROUGH OF NEW STANTON, WESTMORELAND COUNTY, PENNSYLVANIA, ELECTING TO AMEND ITS NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO AMEND, REPEAL OR REVISE THE PRIOR ORDINANCE AND RESOLUTION NO. 2020-944; BY THIS ORDINANCE; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES.**

**WHEREAS**, New Stanton Borough (the Borough), having established a non-uniform pension plan administered by the Pennsylvania Municipal Retirement System (the System) by Ordinance 90-149 (Chapter 1, Part 8, §§801-806) of the Code of Ordinances of the Borough of New Stanton, hereby elects to amend its Non-Uniform Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities; and

**WHEREAS**, the Borough enacted Resolution No. 2020-944 on February 4, 2020, wherein the Borough Council adopted and agreed that payment for any obligation established by the adoption of the aforesaid Resolution and Contract in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act; and

**WHEREAS**, the Borough intended the aforesaid Resolution to be the complete authorization of the Contract, as amended and that the amended Contract shall become effective as of the date of the adoption agreement; and

**WHEREAS**, by said Resolution authorized pursuant by Section 3301.1, subsection (c) of the Borough Code, which authorizes the approved, adoption and amendment of Contract by the Borough; and

**WHEREAS**, the aforesaid Resolution was reviewed and initialed by the PMRS Legal Counsel; and

**WHEREAS**, the Pennsylvania Auditor General's Office responded to the Borough Council that the aforesaid Resolution based upon Section 3301.1 (a) of the Borough Code that Council may amend repeal or revise existing ordinances by the enactment of ordinances; and

**WHEREAS**, as part of this Ordinance, the Borough agrees that the System shall administer and provide the benefits set forth in the amended Non-Uniform Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Borough effective as of the date specified in the adoption agreement (the Contract); and

**WHEREAS**, the Borough acknowledges that by passage and adoption of this Ordinance, the Borough officially accepts the Contract and the financial obligations resulting from the administration of the Contract.

**NOW, THEREFORE, BE IT ORDAINED**, and it is hereby ordained, by the Borough Council of the Borough of New Stanton that the Borough hereby adopts the statements set forth above; and adopts and agrees that payment for any obligation established by the adoption of this Ordinance and the Contract shall be made by the Borough in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Borough hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

**NOW, THEREFORE, BE IT ORDAINED**, and it is hereby ordained, that the Borough intends this Ordinance to be the complete authorization of the Contract, as amended and it shall become effective as of the date specified in the adoption agreement, which is the effective date of the Contract, as amended.

A duly certified copy of the Ordinance and Contract shall be filed with the System.

Reviewed by PMRS Legal Counsel



THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

(NOTHING FURTHER APPEARS ON THIS PAGE)

**ORDAINED AND ENACTED** by the Council of the Borough of New Stanton this 7th day of February, 2023.

BOROUGH OF NEW STANTON

ATTEST:

By:   
PRESIDENT

  
Secretary

ATTEST:

APPROVED:

  
Secretary

  
MAYOR

**CERTIFICATION**

I, Jeffrey McLaughlin, duly qualified Secretary-Treasurer of the Borough Council of the Borough of New Stanton, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 2023-275 is a true and correct copy of the original Ordinance No. 2023-275 duly passed and adopted by a majority vote of the Borough Council of the Borough of New Stanton at a duly advertised and convened regular meeting held on the 7th day of February, 2023, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

**IN WITNESS WHEREOF**, I affix my hand and attach the seal of the Borough of New Stanton, this 7th day of February, 2023.

Certified to by:

  
\_\_\_\_\_  
Jeffrey McLaughlin  
Secretary-Treasurer