

SMITHFIELD SEWER AUTHORITY

Adopted October 11, 1989

5-1989

RESOLUTION AUTHORIZING APPLICATION FOR HIGHWAY
MAINTENANCE BOND FOR PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

WHEREAS, Smithfield Sewer Authority will, in the near future, engage in the construction of new sanitary sewer facilities; and

WHEREAS, Smithfield Sewer Authority requires a State Highway Occupancy Permit from the Pennsylvania Department of Transportation as well as a Highway Maintenance Bond prior to this construction.

NOW, THEREFORE, be it resolved by the Smithfield Sewer Authority as follows:

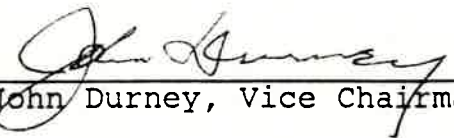
1. The Chairman or Vice Chairman and the Secretary of the Smithfield Sewer Authority are hereby authorized and directed to apply for and obtain a Highway Occupancy Permit from the Pennsylvania Department of Transportation and obtain a Highway Maintenance Bond covering maintenance on any state highways during construction or improvements to the sewer system, such Bond to be issued by Assurity Company acceptable to the Pennsylvania Department of Transportation, in the amount of Ninety-Five Thousand (\$95,000.00) Dollars.

2. F. X. Browne Associates, Inc. of Lansdale, Pennsylvania, the supervising engineer of the Smithfield Sewer Authority is

authorized and directed to prepare and file a permit application and such other documents as may be necessary to obtain a Highway Occupancy Permit from the Pennsylvania Department of Transportation in connection with the installation of the improvements to said sewer system.

Duly adopted this 11th day of October, 1989.

SMITHFIELD SEWER AUTHORITY

By: 
John Durney, Vice Chairman


Marianne Higgins, Secretary

CERTIFICIATION

I, Marianne Higgins, Secretary of the Smithfield Sewer Authority certify that the foregoing is a true and correct attested copy of a Resolution adopted by the Smithfield Sewer Authority, Monroe County, Pennsylvania at a meeting held on the 11th day of October, 1989.

WITNESSETH, my hand and seal this 11th day of October, 1989.

Marianne Higgins

MARIANNE HIGGINS, Secretary
SMITHFIELD SEWER AUTHORITY

M-945K (1-89)
Bureau of Maintenance
and Operations
(Central Permit Office)

AGREEMENT NO. _____

- Individual (Assigned by District Office)
 Blanket (Assigned by Central Office)

FEDERAL ID NO. _____
(PRINCIPAL - PERMITTEE)

HIGHWAY RESTORATION AND MAINTENANCE BOND

BOND NO. B112101

EFFECTIVE DATE September 15, 1989

KNOW ALL MEN BY THESE PRESENTS, That we Smithfield Sewer Authority

(NAME OF PRINCIPAL - PERMITTEE)

of Route 209, E. Stroudsburg, PA 18301
(MAILING ADDRESS OF PRINCIPAL - PERMITTEE)

as PRINCIPAL*, and SELECTIVE INSURANCE COMPANY OF AMERICA
(NAME OF SURETY)

Wantage Ave., Branchville, NJ 07890
(MAILING ADDRESS OF SURETY)

as SURETY, are held and firmly bound unto the Commonwealth of Pennsylvania,
Department of Transportation, as OBLIGEE, in the full and just sum of Ninety-Five
Thousand and no/100----- Dollars (\$95,000.00), lawful money of the
United States of America, to be paid to the said Commonwealth of Pennsylvania, or
its assigns, to which payment well and truly to be made, we bind ourselves, our
heirs, executors, administrators, successors and assigns, jointly and severally,
firmly by these presents.

*If Permittee's contractor is also listed as PRINCIPAL, collectively
identified as PRINCIPAL for the purposes of this Bond only.

WHEREAS, the PRINCIPAL has applied, is about to apply or may in the future from time to time apply to the OBLIGEE for one or more Highway Occupancy Permits (referred to herein as the "Permits") which require a bond to secure proper restoration of the highway pursuant to 67 Pa. Code Chapter 459.5(b), because a substantial amount of work may be performed for or by the PRINCIPAL under such Permits,

NOW, THEREFORE, the condition of this obligation is such that, if the above bounden PRINCIPAL shall in all respects comply with and faithfully perform the terms and conditions of each Permit and all applicable provisions of 67 Pa. Code Chapter 459, and shall save and hold harmless the OBLIGEE from any damages or losses from any cause growing out of work to be performed under such Permits on the State Highway(s) then this obligation shall be void and of no effect; but otherwise is to be and remain in full force and effect.

PROVIDED, that any alterations which may be made in the terms of any Permit(s) or in the payment of costs due under it, or the giving by the OBLIGEE of any extension of time for the performance of the work or any other forbearance on the part of either the OBLIGEE or the PRINCIPAL to the other, shall not in any way release the PRINCIPAL and the SURETY or SURETIES or either or any of them, their heirs, executors, administrators, successors and assigns, from their liability hereunder, notice to the SURETY or SURETIES of any such alteration, extension or forbearance being hereby waived.

PROVIDED, that with respect to each Highway Occupancy Permit, and any supplements thereto, issued by the OBLIGEE to the PRINCIPAL, the duration of the obligation under this Bond shall be for the period during which work is performed and for two years after the Department's acknowledgment of completion of all work authorized by such Highway Occupancy Permit, and any supplements thereto, which Permit shall list this Bond as security by specific reference to a Department-assigned number or other description.

PROVIDED, that in case of default of the PRINCIPAL, in any respect, action on this Bond may be begun forthwith, and the PRINCIPAL and SURETY, jointly and severally, do hereby authorize and empower any attorney of any court of record in Pennsylvania or elsewhere, to appear for and to enter judgment against them, jointly and severally, for the cost of proper restoration of the State Highway(s) affected by the permitted work, not to exceed the aforementioned sum, with or without defalcation, with costs of suit, with release of errors, without stay of execution and with ten percent (10%) attorney's fees added for collection; and waiving inquisition on any real estate and exemption of any property whatsoever, authorizing condemnation of same and immediate issuance of a Writ of Execution, and releasing and waiving relief from any and all appraisement, stay of execution, or exemption laws of any state, now in force or hereinafter to be passed.

PROVIDED, FURTHER, that in the absence of default, this Bond shall remain in full force and effect and may not be cancelled by the SURETY without the written permission of the OBLIGEE's *Permit Office.

Time limitations set forth in this Bond shall not be deemed to relieve the PRINCIPAL of liability for items exceeding the time limitations set forth in 67 Pa. Code Chapter 459.

EXECUTED ON September 22, 1989 with the intention to be
Date

legally bound hereby.

ATTEST:

(Assistant) Secretary
(Assistant) Treasurer
Other: _____ **

BY *John Gurney*
PRINCIPAL - PERMITTEE
(Vice) President
(Other) _____ **

(SEAL)

ATTEST:

BY *John Gurney*
PRINCIPAL

(SEAL)

WITNESS:

R. C. [Signature]

SELECTIVE INSURANCE COMPANY OF AMERICA
BY *Joyce U. Cseh* ***
Title: _____ SURETY
Joyce U. Cseh Attorney-in-fact

(SEAL)

Pennsylvania Resident Agent - When Required

APPROVED AS TO LEGALITY AND FORM

BY _____
Chief Counsel

***If PRINCIPAL is a Governmental Unit, Resolution authorizing signature must be attached.

***Power of Attorney, properly executed and dated, must be attached. Power of Attorney must have the same date as the Bond (effective or executed date).



Selective Insurance Company of America
Branchville, New Jersey 07890
201-948-3000

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the Selective Insurance Company of America, a New Jersey corporation having its principal office in Branchville, State of New Jersey, pursuant to Section 12 of the By-Laws of said Company, to wit:

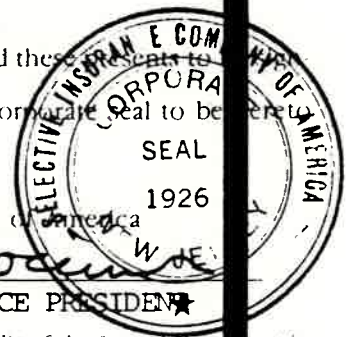
"The President, any Vice President or any Secretary may from time to time appoint attorneys in fact and agents to act for and on behalf of the company and it may give such appointee such authority as its certificate of authority may prescribe, to sign with the company's name and seal with the company's seal, bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any of said officers may at any time remove any such appointee and revoke the power and authority given him."

does hereby make, constitute and appoint JOYCE U. CSEH
its true and lawful Attorney-in-fact, to make, execute, seal and deliver for and on its behalf, and as its agent and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in the nature of a bond subject to the following limitations: NO LIMITATIONS

and to bind the Selective Insurance Company of America thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Selective Insurance Company of America, and all the acts of said Attorney are hereby ratified and confirmed.

IN WITNESS WHEREOF, the Selective Insurance Company of America has caused these presents to be signed and sealed by its VICE PRESIDENT and its corporate seal to be hereunto affixed this 1ST day of OCTOBER, 19 87

Selective Insurance Company of America
BY: R.E. DEROUIN VICE PRESIDENT



State of New Jersey
County of Sussex
On this 1ST day of OCTOBER, 19 87 before the subscriber a Notary Public of the State of New Jersey in and for the County of Sussex duly commissioned and qualified, came R.E. DEROUIN of the Selective Insurance Company of America to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposed and said that he is an officer of said Company aforesaid, that the seal affixed to the preceding instrument is the corporate seal of said Company, and that his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the Board of Directors of the said Company and that the By-Laws of said Company are now in force

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Branchville, New Jersey, this 1ST day of OCTOBER, 19 87 JUDITH E. CHAMBERLAIN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Oct. 17, 1988



The power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of Selective Insurance Company of America at a meeting duly called and held on the 6th of February 1987, to wit:

"RESOLVED, the Board of Directors of Selective Insurance Company of America authorizes and approves the use of a facsimile corporate seal, facsimile signatures of corporate officers and notarial acknowledgements thereon powers of attorney for the execution of bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking"

I Michael S. Petro Assistant Secretary of the Selective Insurance Company of America, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Branchville, New Jersey this 2nd day of September, 19 89

Michael S. Petro
Assistant Secretary

CERTIFIED COPY