

TOWN OF COVENTRY

RESOLUTION

OF THE

TOWN COUNCIL

NO. 05-03-2203

BE IT RESOLVED by the Town Council of the Town of Coventry that the Town Council President and Town Manager are hereby authorized to execute the attached Addendum to the Intermunicipal Agreement for Wastewater Services between the Town of Coventry and the Town of West Warwick.

PASSED AND ADOPTED this 3rd day of February, 2003.

APPROVED Ronald S. Wood
Council President

ATTEST: Roberto H. Johnson, CMC
Town Clerk

**ADDENDUM TO THE INTERMUNICIPAL AGREEMENT
FOR WASTEWATER SERVICES
BETWEEN THE TOWN OF COVENTRY AND THE TOWN OF WEST WARWICK**

THIS AGREEMENT is made this 3 day of February, 2007, by and between the Town of Coventry ("Coventry") and the Town of West Warwick ("West Warwick"), both municipalities within the State of Rhode Island.

WHEREAS, on July 20, 1999, the parties hereto entered into an Intermunicipal Agreement for Wastewater Services ("Intermunicipal Agreement"), under which Coventry shall utilize the wastewater treatment facility located in and operated by West Warwick, pursuant to various terms and conditions set forth in said Intermunicipal Agreement; and

WHEREAS, pursuant to and as part of the terms and conditions of the Intermunicipal Agreement, Coventry has agreed to pay its share of the costs and expenses associated with the enlargement and modernization of the wastewater treatment facility and regional collection system; and

WHEREAS, pursuant to the Intermunicipal Agreement, Coventry has agreed to pay West Warwick its share of the costs and expenses for the advanced wastewater treatment upgrade ("AWT project"); and

WHEREAS, West Warwick agrees to request a loan from the Rhode Island Clean Water Finance Agency ("CWFA") for both its share and Coventry's share of the AWT project costs; and

WHEREAS, the parties desire to enter into an agreement for the payment by Coventry for its share of the AWT project; and

WHEREAS, it is agreed by the parties that this Agreement for payment shall be made and become an Addendum to the July 20, 1999 Intermunicipal Agreement.

NOW THEREFORE, in consideration of the foregoing, it is hereby mutually agreed as follows:

1. The current estimated AWT project cost (construction and engineering) less available grant funds is \$21,721,264.
2. Coventry's share of the estimated AWT project expenses is \$4,654,867 which represents 21.43 % of the total cost.
3. At the conclusion of the construction phase of the AWT project, adjustments will be made to reflect all final costs.

4. Coventry agrees to pay and West Warwick agrees to accept payment for Coventry's share of the actual AWT project costs plus any interested assessed by CWFA in the manner and amounts dictated by the loan repayment schedule as set forth by CWFA (*estimated debt service schedule attached*). The final debt service schedule will be provided from CWFA at the conclusion of the construction project.
5. Coventry agrees pay West Warwick its share of the CWFA loan payment via an electronic transfer of funds into the designated West Warwick bank account at least two (2) days prior to the loan payment date as set forth by CWFA.
6. It is agreed that receipt of the total annual debt service payments for Coventry's share of the AWT project costs plus interest over the entire term of the loan shall close the Coventry account for payment of its share of the AWT project.
7. In the event Coventry fails to make the payments as set forth herein, then in such event, the parties acknowledge that West Warwick may take whatever remedial action is available to it in order to enforce the collection of the monies due and to recover all costs and damages incurred in collecting the debt. West Warwick may also assesses and recover delinquent interest to the maximum amount allowable by law. Remedial action may include, but is not limited to, legal action and the denial of future sewer tie-ins by Coventry to the West Warwick Regional Wastewater Treatment Facility.
8. Except as set forth herein, all other terms and conditions set forth in the July 20, 1999 Intermunicipal Agreement remain in full force and effect.
9. The parties agree that this signing this Agreement have the authority as vested in them by a vote of or as Council Members of their respective communities.

TOWN OF COVENTRY

BY: 
TOWN MANAGER

BY: 
TOWN COUNCIL PRESIDENT

BY: 
TOWN CLERK

TOWN OF WEST WARWICK

BY: _____
TOWN MANAGER

BY: _____
TOWN COUNCIL PRESIDENT

BY: _____
TOWN CLERK