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RESOLUTION: Resolve Claims Arising from a 2016 Drawdown Event at the Snell Road Landfill and Authorize Agents to Finalize Negotiations and Terms of a Final Settlement and Settlement Amount with the Concurrence of the Winnebago County Solid Waste Management Board

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

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10 **WHEREAS**, AECOM undertook professional consulting services for the City of Oshkosh (hereinafter "the City") relating to the City's dewatering permit applications for high-capacity dewatering on the City's sanitary sewer interceptor and lift station construction project at the Snell Road Sanitary Lift Station (hereinafter " the work"); and

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12 **WHEREAS**, PTS Contractors was the general contractor performing the work; and

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14 **WHEREAS**, Winnebago County owns the Snell Road Landfill (hereinafter "the Landfill") located at 3390 Walter Street, Oshkosh Wisconsin; and

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16 **WHEREAS**, on February 23, 2022, Winnebago County sent AECOM and PTS Contractors Notices of Claim alleging that the dewatering drew contaminated groundwater into new wells on the Landfill property and off the Landfill property into areas that had not been previously contaminated; and

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18 **WHEREAS**, Winnebago County alleges that it has incurred costs and may continue to incur costs for engineering, investigations, drilling, construction, monitoring and other work to address contamination issues resulting from AECOM and PTS Contractors work; and

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20 **WHEREAS**, AECOM and PTS Contractors deny liability and responsibility for the work and costs. AECOM asserts that AECOM performed the work in accordance with the applicable standard of care in the profession and laws and that costs are attributable to ongoing remediation efforts and or parties unaffiliated with AECOM; and

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22 **WHEREAS**, the parties desire to resolve an existing dispute between them in connection with the work

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24 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the claims arising from a 2016 drawdown event are resolved and the Winnebago County Board of Supervisors authorizes agents to finalize negotiations and terms of a final settlement and settlement amount with the concurrence of the Winnebago County Solid Waste Management Board

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Submitted by:

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SOLID WASTE MANAGEMENT BOARD

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Committee Vote: 9-0

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Vote Required for Passage: **Majority of Members Present**

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Approved by the Winnebago County Executive this ____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

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