

OSWEGO COUNTY LEGISLATIVE AGENDA



AGENDA- SPECIAL MEETING

OSWEGO COUNTY, NEW YORK

Date/ Time: Tuesday, September 26th, 2023, at 4:30 p.m.

Location: Chambers - Legislative Office Building 46 East Bridge Street Oswego, New York 13126

04:30 P.M. – CALL TO ORDER

Roll Call

Clerk of the Legislature, Betsy Sherman-Saunders

Pledge of Allegiance

Chairman of the Legislature

RESOLUTIONS AND MOTIONS

- SM-1** Resolution Approving the Extension of a Consulting Agreement with Alex Bogawitch Concerning the Attis Ethanol Fulton Property
- SM-2** Resolution Authorizing the Chair of the Legislature to Execute a Third Amended Stipulation on Certain Terms with Highscore Capital, LLC Regarding Attis Ethanol Fulton, LLC Tax Delinquent Parcels and Related Documents

PUBLIC COMMENT

ADJOURNMENT

RESOLUTION NO.

September 26, 2023

RESOLUTION APPROVING THE EXTENSION OF A CONSULTING AGREEMENT WITH ALEX BOGAWITCH CONCERNING THE ATTIS ETHANOL FULTON PROPERTY

By Legislator David Holst:

WHEREAS, the county is presently the owner of four of the five parcels comprising the former Attis Ethanol Fulton properties; and

WHEREAS, it has become apparent that the properties require supervision and oversight by an individual familiar with same to keep them safe, secure and preserve their value; and

WHEREAS, the county has, heretofore, entered into a consulting agreement with Alex Bogawich whom has significant experience and expertise concerning the facility and is willing to assist the county on certain terms and the parties wish to extend this arrangement as it has improved and stabilized the facility and benefitted the county; and

WHEREAS, a resolution is both necessary and desirable, and

NOW, THEREFORE, upon motion of this body, it is hereby

RESOLVED, that the Chair of the Legislature be, and is hereby, authorized to extend the consulting agreement with Alex Bogawitch, without lapse, at a sum not to exceed \$5,000 per month through December 31, 2023, unless sooner terminated or amended by this body.

RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE

YES:

NO:

ABSENT:

ABSTAIN:

RESOLUTION NO.

September 26, 2023

RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO EXECUTE A THIRD AMENDED STIPULATION ON CERTAIN TERMS WITH HIGHSORE CAPITAL, LLC REGARDING ATTIS ETHANOL FULTON, LLC TAX DELINQUENT PARCELS AND RELATED DOCUMENTS

By Legislator David Holst

WHEREAS, the County and Highscore have, heretofore, entered into a Stipulation concerning four (4) former Attis Ethanol Fulton, LLC facility parcels in the Town of Volney; and

WHEREAS, the County is aware of progress being made towards a possible closing and sale, but a few issues remain which require more time as concerns due diligence, permits and the like; and

WHEREAS, both Highscore and the County are amenable to an amendment granting a further extension of the Stipulation between the parties and the Judgment and Order entered February 27, 2023, as subsequently amended to reflect the dates in the amended stipulations, upon mutual consent with the rest and remainder thereof to remain in full force and effect; and

WHEREAS, a resolution is both necessary and desirable,

NOW, THEREFORE, upon motion of this body, it is hereby

RESOLVED, that the Chairman of the Legislature be and is hereby authorized to execute the annexed Third Amended Stipulation and the County of Oswego hereby consents to the entry of an amended Judgment and Order or the Court so ordering same; and it is further

RESOLVED, that the Chairman of the Legislature be, and is hereby, authorized to execute any non-disclosure agreements as may be required from prospective purchaser(s) by SEC regulations, or otherwise, so that the county may receive certain and further information concerning the possible sale of the former Attis facility.

RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE

YES:

NO:

ABSENT:

ABSTAIN:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF OSWEGO**

In the Matter of the Application of:
The Treasurer of the County of Oswego
as Enforcing Officer of the County of Oswego,

DRAFT

**THIRD
AMENDED
STIPULATION**

Petitioner,

by Proceeding *in rem* pursuant to Article 11 of the
RPTL of the State of New York,

Index No.:
C-2021-0686

regarding the following parcels:

RJI No.:

Attis Ethanol Fulton, LLC 254.00-05-04.11
Attis Ethanol Fulton LLC 254.00-05-04.12
Attis Ethanol Fulton LLC 254.00-05-04.03
Attis Ethanol Fulton, LLC 254.00-05-04.08,
in the Town of Volney,

Respondents.

THIS THIRD AMENDED STIPULATION by and between the **COUNTY OF OSWEGO**, a municipal corporation by and of the State of New York with a principal office for business located at 46 East Bridge Street, Oswego, New York 13126 (hereinafter "County") and **HIGHSCORE CAPITAL, LLC**, a domestic limited liability company, with an office for conducting business located at 2233 Nostrand Avenue, 3rd Floor, Brooklyn, New York 11210 (hereinafter "Highscore"), sets forth as follows:

WITNESSETH:

1. WHEREAS, the County and Highscore have, heretofore, entered into a Stipulation concerning the above-referenced parcels; and
2. WHEREAS, the County is aware of further progress being made towards a possible closing and sale but more time is necessary as concerns due diligence, permits and the like; and
3. WHEREAS, both Highscore and the County are amenable to an THIRD amended stipulation granting a further deadline extension and amendment of the original Stipulation (hereinafter "original Stipulation") signed February 27, 2023 and Judgment and Order entered February 27, 2023, as subsequently so ordered by the Court, upon mutual consent of the parties with the rest and remainder of the original Stipulation to remain in full force and effect.

NOW, THEREFORE, the County and Highscore mutually agree to amend the Stipulation as follows and consent to an amendment of the February 27, 2023 Judgment and Order as may be necessary to confirm or so order same:

4. Paragraph 19.c. of the original Stipulation entered into by an between the County and Highscore be and is hereby **AMENDED** to grant an extension as follows (deletions are stricken out, new language is in **bold**):

19.c. Highscore consents to the county acquiring tax title by deed consistent with this stipulation a judgment based thereupon and, should a sale to Global Partners not close by ~~June 20, 2023~~ **December 15, 2023**, Highscore shall have the exclusive right to purchase the property from the County for the sum of all taxes, penalties and interest presently owed as of December 31, 2022 **together with all 2023 county and town taxes interest and penalites and 2023-2024 school taxes and any returned taxes and together with interest and penalties then due and owing**. Notwithstanding the foregoing, if either (i) Highscore and Global are unable to agree on final terms of the Transaction following a good faith effort in respect thereof, or (ii) Global determines that it no longer wishes to proceed with the Transaction, Highscore shall be entitled to exercise its right to purchase the property promptly thereafter on the terms described above. In furtherance of the foregoing, Highscore, its representatives, or advisors may enter onto, evaluate, and perform such diligence on the property as it may determine until any sale of the property closes. Upon the failure or inability of Highscore to pay same by close of business on ~~June 23, 2023~~ **December 19, 2023**, all of its rights, title and interest in and to the Attis Facility properties covered by this stipulation shall be foreclosed and the county shall be free to market and sell the Attis Facility as of ~~June 24, 2023~~ **December 20, 2023** and to retain the proceeds thereof **as allowed by law**. This does not affect Highscore's rights to proceed under the note against Attis and/or guarantors.

5. The rest and remainder of the Stipulation remains in force and effect per its terms except as amended herein. The parties further consent to an amended Judgment and Order or submitting this stipulation to be "so ordered" as concerns the extension granted herein.

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation as of the dates set forth hereinbelow.

COUNTY OF OSWEGO

HIGHSCORE CAPITAL, LLC

By: _____
Hon. James Weatherup
Chair of the Legislature

By: _____
Name and title to be printed beneath.

Dated: September __, 2023

Dated: September __, 2023