

Real Property Tax Committee Minutes  
January 11, 2021 – 2:30 p.m.

Present: Chairman Eric Connolly; Committee Members Ed Kinowski, Bill Peck, Dan Pemrick, Mike Smith and Mo Wright; Steve Bulger, Matt Rose, County Administrator; Jason Kemper, Planning; Hugh Burke, County Attorney; Anna Stanko, Real Property Tax; Andrew Jarosh, Terri Wrisley, Treasurer; Chris Schall, Auditor.

Chairman Connolly called the meeting to order and welcomed all in attendance.

**On a motion made by Mr. Kinowski, seconded by Mr. Pemrick, the minutes of the December 7, 2020 meeting were approved unanimously.**

Mr. Connolly announced the appointment of Mr. Smith as committee vice chair.

**A motion was made by Mr. Pemrick, seconded by Mr. Kinowski, to authorize the County Auditor to approve corrections, tax refunds, and credits in the amounts not to exceed \$2,500. Unanimous.**

Mr. Smith confirmed that this is an annual housekeeping item.

**A motion was made by Mr. Smith, seconded by Mr. Kinowski, to authorize the acceptance of tender offers totaling to the amount of \$3,298.76. Unanimous.**

Ms. Wrisley said that there are two tender offers being submitted for approval. They are both estate parcels and the payments were received in mid-December. Mr. Kinowski confirmed with Ms. Wrisley that these are vacant properties.

**A motion was made by Mr. Kinowski, seconded by Mr. Pemrick, to authorize committee approval of the Auditor's 2020 Fourth Quarter Report. Unanimous.**

Mr. Schall said that the report is attached to the agenda package. For the fourth quarter, three refunds were approved totaling \$680.85. A summary of the corrections, credits and refunds for the entirety of 2020 is also provided in the report.

Mr. Jarosh said that he had two items to discuss with the Committee.

For the first item, Mr. Jarosh said that for clarification, he would like to present his questions to the Committee and perhaps the Committee can then run it up the chain to get some clarification for the Treasurer's office. Mr. Jarosh said that they were made aware this afternoon that Chairman Kusnierz has penned a letter to the Governor, requesting the Governor to use his Executive Order power to extend the deadline for paying taxes, penalties and interest on taxes due for, he believes, 21 days or the 25<sup>th</sup> of February. Mr. Jarosh said that a similar Executive Order was issued by the Governor in late Spring or early Summer of 2020, and at that point it was past the time for the

Treasurer's office to be involved. Mr. Jarosh said that there are one of three scenarios he believes could be created if the Governor was to grant the request. Mr. Jarosh listed the 3 options.

1. This would push back all of the daisy chain deadlines for 21 days, so the clock would not even start ticking for 21 days until February 25<sup>th</sup>.
2. Come February 25<sup>th</sup> people can pay their taxes without penalties or interest from Feb 1<sup>st</sup> to Feb 25<sup>th</sup>, but on the 25<sup>th</sup> they owe all of the taxes that have accrued for February.
3. Come February 25<sup>th</sup>, interest does not start accruing until that day, and so if they paid on the 25<sup>th</sup> they would literally pay 1 day of penalties and interest, not 25 days of penalties and interest.

Mr. Jarosh said that he is expecting calls from the Tax Collectors asking how this would work, and would like to know how to be able to respond to them with a unified message. Mr. Kinowski asked if the letter to the Governor was referring to penalties and interest, or delay in tax payments altogether. Ms. Wrisley said it was penalties and interest, and read specifically "to extend by up to 21 days the final date for paying taxes without interest or penalty" Mr. Kinowski said that to him it sounds like delaying the payment of taxes. Mr. Jarosh said that the point to be made is that taxes are currently due, if they are paid before January 31<sup>st</sup> there is no penalty or interest, if they are paid after January 31<sup>st</sup> there are penalties and interest. Mr. Jarosh said that this Executive Order would extend that from January 31<sup>st</sup> to February 25<sup>th</sup>. Mr. Jarosh said that penalties and interest are not assessed until the taxpayer comes in and pays. Mr. Connolly said that he believes it would be prudent for Mr. Jarosh to send a detailed email seeking clarification, and asked him to cc Mr. Connolly on that email for follow up if need be. Mr. Connolly agreed that it's important to give a unified message to the taxpayers so we can cut down on any confusion. Mr. Jarosh said that he will draft and send it out tomorrow.

Mr. Jarosh said that his second item for discussion is regarding the Rules of the Board. Usually between the Real Property Committee meeting and the full Board meeting, if additional tender offers are received between now and the Board meeting, in the past the Resolution would be amended prior to the Board meeting to allow the Board to vote on a resolution that included the late arriving tender offer payment. Mr. Jarosh said that it is his understanding that with the new rules of the Board, that may not be quite as feasible as it was in the past. While this may not be an issue this month, it usually is an issue in the month of the auction because the Treasurer's office often receives tender payments all the way up until the Board meeting. Mr. Jarosh said that it would behoove us to talk about how this should be handled while there is no pressure on us. If a tender offer were to come in between today and Law & Finance or today and the Board meeting, how would the committee like this to be handled? Option A would be to wait until next month, and have it presented the following month. Option B would be to follow the rules and amend the Resolution at the Board meeting, which entails redrafting the Resolution, adding the new language, which can be readily provided, but this may take some additional time at the Board meeting.

Mr. Jarosh asked if the Resolution can be amended prior to Law & Finance, he is unsure of the rules. Mr. Burke said that he believes it could. Mr. Jarosh said that in the past, a special Real Property Tax committee has occurred quite literally hours before the auction to approve late arriving tender offers and is unsure if this is allowable under the new Rules of the Board which calls for resolutions to be written and reviewed five days before the Board meeting.

Mr. Connolly said that Option A would work throughout the year except for the month in which the auction occurs. Mr. Jarosh said that the tender offer deadline could be scheduled for a month

before the auction, which has never been done before, they have always allowed tender offers up until 2 hours before the auction. Mr. Jarosh said that it is something to consider as the County comes up to the next auction, whenever that might be. Mr. Peck said that it has always been the intention of the County to have the people keep properties in their own hands, and this is why it has been encouraged to accept tender offers as late as possible. The main focus is to have people pay their taxes and to keep their land. Mr. Peck asked if the committee has ever denied a tender offer? Mr. Jarosh said that he has no recollection in his tenure. Ms. Wrisley said that she recalls it happening between 8-10 years ago, she believes it was because one of the Towns wanted to keep a portion of the parcel. The tender offer was not technically declined, but was returned with less. Mr. Peck said that he would be hesitant to set the deadline for payment of tender offers a month in advance of the auction, and would try to make it as easy as possible for people to get caught up. Mr. Pemrick agreed and said that this is a stated goal of the rules and regulations of the Real Property Tax Committee. Mr. Jarosh suggested that in the months that do not include an auction, he would wait to include the tender offers until the following month, that way resolutions are not being amended at every Board meeting, but in the month of the auction, they would need to request to amend the resolution to include the late arriving tender offers. Mr. Connolly agreed and also suggested that the rules could be amended particularly for this scenario in the month of the auction. Mr. Connolly asked the County Attorney's office to follow up with him with assurances that this can occur. Ms. Wrisley said that memos are sent to the Chair and Vice Chair of the committee notifying them of any tender offers that are received. As a summary, Mr. Jarosh said that for tender offers received between Real Property Committee and Law & Finance, they would keep adding tender offers received to the Resolution to be presented to Law & Finance. For any tender offers that are received between Law & Finance and the Board Meeting, will be presented at the following month's Real Property Committee meeting, unless it is the month of an auction, in which case, the Board will be asked to either amend the Resolution at the Board meeting, or Mr. Connolly and Mr. Burke can work to see if the rules can be amended to suspend the rules for this particular issue. Mr. Burke said that there is a provision in the current rules until XIII f. for new proposals to be acted upon immediately during the Unfinished Business and New Proposals portion of the meeting agenda. If enough information is received ahead of time, this can be prepared prior to the meeting. Mr. Jarosh said that the resolution would not require any additional verbiage being added, just adding data to the list.

Mr. Kinowski asked if prior to the Chairman sending out the letter to the Governor, was either Mr. Jarosh or the Chairman queried on this, called or discussed? Mr. Kinowski said that he just wanted to ask the question as it seemed to be the reasonable thing to do as it would involve potential issues moving forward. Mr. Connolly and Mr. Jarosh said they were not.

Mr. Kinowski asked Mr. Burke, regarding the upcoming March auction, if there are any concerns vacating residents that are currently occupying facilities they are about to take over, regarding the Governor's extension for peoples' rights to stay in their homes. Mr. Burke said that he would have to look into that. Mr. Jarosh said that in the past it's not the County's responsibility to vacate a parcel, the new owner takes the parcel knowing that the resident occupies it, and it's up to them to deal with any eviction process. The County does not require tenants to vacate the properties prior to foreclosure. Mr. Jarosh said that they have reason to believe that the Governor is going to issue, or has already issued, an Executive Order potentially delaying the foreclosure of any residential parcels. There is a lot of confusion about this Executive Order, the way it is worded, it says that the owner has to submit a declaration of financial hardship, it does not say to whom that declaration is made, it does not say how the declaration is validated or proven, so basically it sounds like a

property owner can say they have financial hardship because they owe back taxes, and that is their evidence. Mr. Jarosh said that he is not sure if it has been enacted yet, they have not received an update in 30 days. Mr. Jarosh said that additionally, between pulls and no sales, there are fewer than six parcels, and typically the way this Committee has operated, whenever there are fewer than ten parcels, we forego the Auction. It's not worth the time and effort for fewer than 10 parcels. Mr. Jarosh said that he may be requesting the committee to do that again this year seeing as how there are two foreclosures proceeding this year, 2018 and 2019. Mrs. Stanko said that there will not be an auction in March of 2021, and perhaps not even in 2021 at all, as the in-rem procedure did not take place in 2020. Mr. Kinowski asked what will happen to those properties that have already had 1<sup>st</sup> and 2<sup>nd</sup> pulls. Typically a 1<sup>st</sup> pull is good for six months, a 2<sup>nd</sup> pull gives reprieve for a year, and then after that it all falls into place. Mr. Kinowski asked what the procedures are beyond that. Mr. Jarosh said that it is something for this Committee to consider and he will certainly make sure and propose some options to the Committee. Mr. Jarosh said that this exact question was the issue that Mr. Dorsey raised prior to the last auction, that the Committee approved to deal with the issue, however the full Board rejected it, what to do with pulls with a delayed auction. Mr. Jarosh said that there are three possible scenarios and when it is time, the committee should review it again and decide on a standard practice on how to treat pulls in a delayed auction scenario. Mr. Connolly said that he is also a member of the Government Review & Efficiency committee and has already discussed several possible positive reforms with Mr. Jarosh for the Board to consider. This is one of them.

**On a motion made by Mr. Kinowski, seconded by Mr. Pemrick, the meeting was adjourned unanimously.**

Respectfully submitted,  
Therese Connolly  
Deputy Clerk of the Board