

'Stolen' Ocean City church saved

Trustees got the deed back, but city won't budge on putting it up for tax sale

By **DAVID NAHAN**
Cape May Star and Wave

OCEAN CITY – The trustees of Tabernacle Baptist Church won their fight against the former pastor who had the church property improperly deeded into his name last year and then tried to sell it.

They saved the church. Now the trustees are fighting Ocean City, which has Tabernacle Baptist up for a tax sale Oct. 1.

Churches are historically tax-exempt properties, but Tabernacle Baptist lost that status for the brief period starting March 1, 2019, when it ended up in the hands of the Rev. Charles Frazier, according to Shari Thompson, current chairman of the church's board of trustees.

That should never have happened, she said, because the property should not have gone into Frazier's possession in the first place and the city's tax assessor's office should have caught that when registering the deed being transferred from a non-profit to a private citizen.

The city, however, is refusing to budge, and the church owes just under \$9,000 for the 2019 taxes.

The issue came into full public view Thursday evening, Aug. 27, when Thompson appealed to Ocean City Council for help for the property on the northwest corner of West Avenue and Eighth Street.

"Our going to council was, in a way, to encourage a response," Thompson said Monday morning. "We got one because they had to respond."

She said City Solicitor Dorothy McCrosson has been aware of the issue for three months. She added she was told to submit paperwork to city Administrator George Savastano and they did. His secretary called to get her phone number to set up a conference, "but we never heard back from him." Thompson appealed to mayoral aide Michael Allegretto, a personal friend, but after looking into it he told her "our hands are tied."

She said members of City Council "are great. They're really supportive. But it is not them. It is really in the hands of the solicitor."

At the council meeting, McCrosson said the city is bound by laws and can't help.

The back story

According to Thompson, a professor in the Radio Television and Film Department at Rowan University who formerly taught at Howard University, Temple University and Stevenson University,

members of the church were surprised back in October 2019 when they saw a for-sale sign pop up on the lawn in front of the church. She had been out of the area, but after a member asked for her help, she immediately got involved.

She said Frazier appointed his three daughters and his chauffeur – the man who drove him from Swedesboro to Ocean City on Sundays – as trustees for the church and had them convey the church property to him for \$1.

"It went into his and his wife's name as of March 1, 2019, and we didn't find out anything about it until October when we saw a for-sale sign on the church lawn," she said. "We said, 'What is this?' I wondered, 'What on Earth is going on?'"

Thompson said there had been questions about management of the church going back to the years following 2003 after Dan Murray led a four-year community effort to rehabilitate the church, which was built in 1890 and served as the original home of St. Peter's United Methodist Church. Its first pastor was one of the four Lake brothers who founded Ocean City in 1879 and Tabernacle Baptist began serving the African American community in 1897.

"Mr. Murray spent four years of his life, blood, sweat, tears, everything," Thompson noted on renovating the church. Murray died in August.

During Frazier's tenure, she said, there were questions about him being improper with funding and the sale was the culmination.

"It looks like this was going to be the coup de gras – sell the church, get the last of the money, and it will be gone and sold before anybody knows it," Thompson said.

They were able to stop that sale at the very last moment, she told City Council.

"When I said at the meeting it was by the grace of God, it was by the grace of God," she added Monday. When the trustees' lawyer got there to block the sale, the deal was already half-signed, she said.

"We got in there in the nick of time and the judge made them deed it back" to the church, she said. "They did it voluntarily before the court date came up and we could receive a judgment against them. The important part is we got it back. It was as of December 1, the church was back in our name." The Rev. Frazier died in July 2020.

Thompson said there had been those issues of mismanagement of money in the past and that Murray had to fight Frazier to enforce covenants



David Nahan/CAPE MAY STAR AND WAVE

Trustees saved the Tabernacle Baptist Church property at the corner of Eighth Street and West Avenue in Ocean City from being sold, but now are fighting the city on a planned tax sale Oct. 1.

that came with the renovation of the church, including having it open to the general public. However, "once the renovations were over he (Frazier) blocked people out, including members."

When the new trustees got into the church this past December, she said, they found "a different lock on every door. We had to have someone take all of the locks off. And it wasn't the same one. It was a different lock. There was a lock on the closet. There was a lock on a small bathroom cabinet inside the bathroom; we opened it up and it had toilet paper in it," she laughed in disbelief. "It made no sense. It was a mess."

A new battle

"Just when we resurfaced, and caught our breath and were able to stop the sale, which by the way was for one-fifth of the amount that

we're assessed at – it was terrible, it was a very sneaky and very sketchy real estate deal – we stopped that and caught our breath, and then this tax thing," Thompson said.

Thompson, who has her bachelor's degree from Georgetown University and her MFA from Temple University, and whose teaching area of concentration is on scriptwriting for film and television, said the church has been arguing it does not owe taxes because the original deed transfer into Frazier's name was illegal.

She brought that up to McCrosson.

"We never stopped operating as a church, no one knew about this transfer, it's going to be voided, it's invalid," so she asked the city, "can you, you know, work with us? I don't know what other realities they're dealing with, but with this one there is no wiggle room. There is no wiggle room for the city to give us leniency so it seems we are going to have to go the other route. I'm very grateful for the council members that are offering their help."

She said they didn't get the tax bill for 2019 until after the Fraziers deeded the property back to the church

in December. "Strategically they must have received the first tax bill and waited until they deeded it back to us in December and then the Fraziers' lawyer gave us the tax bill. Clearly, that would have been part of what we would have asked for in a judgment, but they held onto it. They're very clever."

To add insult to injury, when she went to the tax assessor to get the property changed back to tax-exempt status, she found out they were going to be billed for 2020 taxes as well.

"I went to them in December and said we need to get our status back and the tax assessor said he only goes around once a year and had been around in October. I said, 'Does that mean you're going to charge us taxes for 2020?' He said, 'yeah.' I was like, 'What!?' If they move forward with that, and they seem firm on that as well, we'll owe between \$20,000 and \$25,000 total in taxes."

Appeal to council; solicitor speaks

At the council meeting, Thompson appealed to the city for help.

"We need your help. The



Provided

Gulishes honored for garden

The Garden Club of Cape May has chosen its Garden of the Month for September. The winners are Cheryl and John Gulish, of 1125 Washington St. Since they purchased their stately home 12 years ago, they have both worked their magic with front and side yards full of lush shrubs, flowers and trees, along with a wire gazebo and fountain. Their large front porch and patio are filled with pots brimming with colorful annuals, and box gardens house vegetables and herbs. Stop by and congratulate them for a job well done.

church was attempted to be stolen from us by the prior pastor and when we found out we went into litigation. We were able to stop the transfer at the absolute last moment," she said. "We got it back, but then we got a letter from the city telling us we owed taxes on it. We're here because taxes that were accrued were because trustees illegally transferred the property. As everyone knows, a non-profit can't be sold. That's the first red flag. You can't sell a non-profit. It's fraud. We're still in litigation."

"In the meantime, we got a (letter) saying we're going up for a tax sale that is supposed to happen as of Oct. 1. This church is not just important to us. It was lovingly restored by a retired builder, Mr. Dan Murray, who just passed away. The community contributed \$400,000. It's a beautiful building, please come by," she said during public comment. Asking for the taxes to be rescinded, she added, "We're here for your help."

Asked by Councilwoman Karen Bergman what the city could do for the church, McCrosson said the city could not help.

"Properties owned by churches are typically exempt from property taxes," she said. "That real property passed out of the hands of the church to a private citizen and lost its tax exemption. Through litigation, it was conveyed back to the church but for the period of time that it was in private hands taxes were assessed. The city doesn't have discretion as to when to impose taxes and when not to. It's a very strict statutory scheme."

Bergman asked, "Can we forgive it?"

"No, we cannot," McCrosson responded. "Just as we could not forgive your taxes."

When Bergman asked if the person who owned it during that period would be responsible for the taxes, McCrosson said the taxes get assessed to the current owner of the property "and right now the owner of the property is this church. They are in litigation. One of the things they're asking the court is to void that deed and that may change our position and we may be able to treat it as if the transaction had never occurred, but we can't stop the process in the meantime."

"Can we freeze it before October 1," Bergman asked.

Again, McCrosson said the city could not, but that if there were a judicial resolution that voided the deed transfer that could change the city's position.

She explained that the tax sale is for the delinquent taxes and that the property can't be foreclosed upon for two years.

"Even if the property were to go to tax sale, it would not require the doors to be closed," she said, but interest on taxes owed would continue to accrue.

"The city is not going to close its doors, but it (the church) would continue to owe the taxes."

Noting that city officials were sympathetic with the church's plight, McCrosson added, "If the mayor could wave a magic wand, or we could bring an ordinance before you, we would have done that."

Church moves ahead, raising funds

"We were hoping for some leniency from the city but it looks like we're going to have to go another round," Thompson said. "We'll have to try to fundraise to try to get the funds."

"Honestly, I truly believe that God is part of this because the way we got the church back, the way we're moving now – we've had three outdoor services, we've had a women's Bible study – God is in this and I'm just here to follow through and be his hand. I'm grateful and I'm blessed and I'm happy that I can be. I firmly believe that God is going to provide the means to continue on as Tabernacle Baptist Church on that corner for a long time."

The church has been relaunched under new leadership with a mission creating a multi-ethnic fellowship "striving together as one for the faith of the gospel."

To contribute to the church, checks can be sent to Tabernacle Baptist Church, PO Box 154, Ocean City, NJ 08226, or go to gofundme.com and type "Tabernacle Baptist Church OC."

LEGALS

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY
ORDINANCE NO. 586-20

AN ORDINANCE AMENDING SECTION 27 OF THE BOROUGH CODE REGARDING APPLICATION OF THE RESIDENTIAL SITE IMPROVEMENT STANDARDS

WHEREAS, the Borough of West Cape May is committed to preserving the unique character of the Borough and encouraging responsible development that preserves light, air, and open space in the community; and

WHEREAS, the Borough of West Cape May also recognizes it is in the best interests of the public health, safety, and general welfare to clarify and amend the code when doing so will provide municipal employees, residents, and applicants a better understanding of the intent and purposes of the zoning regulations; and

WHEREAS, the Borough Commission of the Borough of West Cape May believes it is in the best interest of the Borough to amend Section 27 of the Borough Code to clarify application of the Residential Site Improvement Standards to the zoning regulations.

NOW, THEREFORE, BE IT ORDAINED by the Borough Commission of the Borough of West Cape May as follows:

Section 1. Section 27-27.3 of the Borough Code shall be amended as follows, with all strikethroughs indicating deleted portions and all bold and underlined portions indicating added additions:

27-27.3 Parking Requirements.

All uses shall provide adequate off-street parking. The following is the minimum number of spaces required for each particular category of use:

Use	Number of Spaces
Residential dwelling unit in R-1, C-1, C-2, C-3	1 space per unit
See RSIS, N.J.A.C. 5:21-4.14	
Residential dwelling unit in all other zones	2 spaces per unit
See RSIS, N.J.A.C. 5:21-4.14	

Section 2. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of that conflict. Section 3. Severability. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect 20 days after passage and publication, according to law.

NOTICE OF PENDING ORDINANCE

The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on August 26, 2020, when it was read for the first time and then ordered to be published according to law. This Ordinance will be further considered for final passage by the Board of Commissioners of the Borough of West Cape May at a meeting to be held at Borough Hall, 732 Broadway, West Cape May, New Jersey on September 23, 2020, at 7:00pm or as soon thereafter as possible, at which time and place, all persons interested will be given an opportunity to be heard concerning such ordinance.

Suzanne M. Schumann, RMC
Municipal Clerk

9/02 pf \$51.46

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City of Cape May Planning Board
Legal Notice

Public Notice is hereby given to all persons that the City of Cape May Planning Board meeting scheduled for Tuesday, September 8, 2020 has been cancelled. All documents, application(s), actions and decisions of the Board are on file and available for review in our City Hall Planning Board Office, 643 Washington Street, Cape May, NJ. The Board's meeting dates, minutes and legal notices are also posted on the City's website. This notice is being given in compliance with the Open Public Meetings Act of 1975 and The Municipal Land Use Law, Chapter 291, of the State of New Jersey.

Karen Keenan
Board Assistant
August 28, 2020

9/02 pf \$13.02

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LEGALS

NOTICE TO THE GENERAL PUBLIC OF APPLICATION
TO THE CAPE MAY CITY ZONING BOARD

PLEASE TAKE NOTICE that on September 24, 2020 at 6:00 pm, a virtual City of Cape May Zoning Board meeting will be conducted remotely in the matter of the Application filed by John and Patricia Delowery, regarding the property located at 1013 Cape May Avenue, Block 1106, Lot 31. The Applicant seeks approval for variance relief from the requirements of the Cape May Zoning Ordinance together with any other variance, waiver or interpretation which may be necessary, appropriate or required to allow the Applicant to construct a detached garage within ten feet of the principal dwelling contrary to Section 525-54A(3)(e) of the Cape May Zoning Ordinance.

While New Jersey's Executive Order 103 and Executive Order 107 are in effect, the Division of Local Government Services has issued guidance to ensure continuity of Land Use application procedures, to ensure due process is afforded during Planning Board and Zoning Board of Adjustment hearings and to remind local units to adhere to appropriate social distancing and health measures as they implement this process. In-person attendance at the hearing by the Applicant, the Board or the public is prohibited.

Maps and other documents relating to this matter shall be available at least ten (10) days prior to the hearing date for inspection. Under the present circumstances, the maps and other documents relating to this matter shall be posted for public review at www.capemaycity.com free of charge. Members of the public are advised to contact the Board Secretary at 609-884-9561 to receive a hard copy of the plans and application materials by mail or via a secure, public location subject to any standard fees or charges.

All parties to the hearing, including the public, must no less than 72 hours in advance of the hearing provide to the Board Secretary any additional documents or exhibits to be presented at the hearing. These additional documents and exhibits shall be individually labeled by the submitting party as an exhibit and the Board Secretary shall post the labeled exhibits prior to and for the video meeting. Please contact the Board Secretary at 609-884-9561 to arrange delivery options of the exhibits and to advise the Board Secretary of your anticipated participation.

When the public portion of the matter is called, you may present any support or objection which you may have to the granting of the relief or approval sought in the Application. In order to participate in this hearing including the opportunity to comment, you may watch the meeting on Facebook as it is streamed live to the City's Official COVID Facebook page:

-Log into Facebook prior to the September 24 2020 Zoning Board Meeting, search for "Cape May, NJ COVID" (@capemaycitycovidinfo), or follow <https://www.facebook.com/capemaycovidinfo>

- "Like" and "follow" the page.

-If you like/follow "Cape May, NJ COVID" prior to the September 24, 2020 Zoning Board Work Session Meeting, you will receive a notification once the live stream begins or you can visit the City's Cape May, NJ COVID Facebook page at 6:00 P.M. to watch and listen to the work session meeting.

-You are able to visit the City's Facebook page at any time during the work session meeting to view the live stream.

Please note that comments and questions left on the City's COVID Facebook live stream, any City Facebook live stream, the City's COVID Facebook page or any City Facebook page will not be addressed. The public has the following option for submission of questions or comments.

- Dial 609-884-9533 to call-in with your question or comment only when the Zoning Board Chairperson opens the meeting to the public.

-If you hear a busy signal, the line is in use by another caller. Please continue dialing in, and we will eventually reach your call.

-You must give your full name and address prior to giving your question or making your statement.

-Please keep your question/statement concise and specific to an agenda topic.

Prior to the meeting, you are encouraged to review the instructions to participate through your choice of electronic attendance. The plans, application and applicable documents for the meeting are posted on the internet at www.capemaycity.com.

For those individuals lacking the resources or know-how for technological access, please contact Karen Keenan, Board Secretary, at 609-884-9561 during normal business hours for assistance in delivering exhibits, accessing the plans and the meeting.

Ronald J. Getzunas
Attorney for the Applicant

9/02 pf \$61.38

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