



Special Election Preview Issue

The Ocean Star

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Bike thefts pose problem at Shore

The Ocean Star Staff Report
JERSEY SHORE — Every summer, towns up and down the shore face an increase in criminal activity, with bicycle thefts topping the list in most municipalities, even relatively safe communities like the ones in this area. The last rays of summer are just beginning to fade, and a survey of police departments in the area show that this year was no different than usual. This summer alone, a total of 135 bicycles were reported stolen in Point Pleasant Beach, Point Pleasant, Bay Head and Mantoloking. Point Pleasant Beach Police Chief Daniel DePolo said the number of bikes stolen spikes in the summertime, because that is when the volume of people riding their bikes is highest.

Chief DePolo said this year, between Memorial Day and Labor Day, 41 bikes were reported stolen in Point Beach, up from 38 during the same period last year. Point Pleasant Police received reports of 34 bike thefts between Memorial Day and Labor Day this year. During the same period in 2008, 70 bikes were reported stolen, according to Capt. Richard Larsen, of the Point Pleasant Police Department. In Mantoloking, Detective Sgt. John Barcus reported that during the period between Memorial Day and Labor Day this year, there were six bicycles reported stolen in Mantoloking. Of the six, three were

recovered, he said. In the summer of 2008, Detective Sgt. Barcus said five bikes were reported stolen. Bay Head Police Sgt. First Class Geoffrey Barger reported 54 bike thefts for the town in 2009 between Memorial Day and Labor Day and approximately 70 for the same time period in 2008. “The weather had an effect on the entire summer season, apparently,” Police Chief Charles Grace joked. “Most of our bikes are stolen from up at the beach, by teenagers looking for a quick ride home,” Chief Grace noted.

Chief DePolo said most bikes are stolen from the boardwalk during the summer months, and also from people's lawns. However, one constant is that the bikes that are stolen are “typically unlocked,” he said. “If you want to prevent your bike from being stolen, buy a decent lock,” Chief DePolo said. He said sometimes, thieves carry bolt cutters, but that it is an unusual occurrence. He said some people who steal the bikes sell their parts, and others steal them for transportation. He said people who steal the bikes and keep them usually disguise them by spray-painting them, changing the seats or handlebars, or removing accessories.

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SUEANNE GOSS, The Ocean Star
Point Pleasant Beach Recall Committee Chair Stewart Fischer looked over a page of the petition he helped circulate earlier this year to put Mayor Vincent Barrella's recall up for public vote.

Fischer takes stand in recall case

By Chris Sheldon
TOMS RIVER — Hearings in the case of the Point Pleasant Beach Recall Committee versus Mayor Vincent Barrella resumed this week, with several witnesses called by the mayor and his attorney, Andrew Provence, to testify that the members of the recall committee did not follow proper procedures in their bid to oust the mayor from office. Judge Joseph Foster is presiding over the matter in Ocean County Superior Court, here. The hearings this week featured testimony from Stewart Fischer, head of the recall committee, which circulated a petition earlier this year, ask-

New witness testimony could jeopardize signatures collected by recall committee chair Stewart Fischer

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ing residents to support placing a question on the ballot at the Nov. 3 elections which would ask Point Beach voters if they wish to recall Mayor Barrella. Mr. Fischer was on the stand Monday and Wednesday. On Monday, Mr. Provence ques-

tioned Mr. Fischer for almost four hours, grilling him on how he presented the recall petition to residents in the springtime. The recall petition document numbers 66 pages, and measures 36 inches long by about 1 foot wide. The size of the petition was a point of contention during questioning, as the mayor's attorney questioned whether the large document could be properly viewed by the residents who signed it — a crucial criterion for the petition and the signatures on it to be deemed valid. Mr. Fischer said he discussed the

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Photo Courtesy of ROB TOOKER
Surfers took to the water at the third annual Kenny Tooker Longboard Classic on Sunday. The classic raises money for the Kenneth Tooker Memorial Scholarship, awarded annually to Point Pleasant Beach High School seniors.

Sun smiles on memorial surf

By Caitlin Stolzenthaler
BAY HEAD — After an over-cast Saturday, the sun came out for the third annual Kenny Tooker Memorial Surf Classic on its Sunday rain date, adding to the overall good feelings of many at the Bay Head event, which was held at the Karge Street beach. “It's really been a great day,” said event organizer Kristine

Third annual Kenny Tooker Memorial Surf Classic honors local former surfer, who was lost to cancer in 2006

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Tooker, noting a “huge turnout.” “It's a great vibe,” she added. Mrs. Tooker, who is also a Point Pleasant Beach councilwoman, is the widow of Kenny Tooker, a lifelong resident of Point Pleasant and Point Pleasant Beach and former surfer, who died of cancer in 2006 at the age

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Fischer takes stand at recall trial

— FROM PAGE 1 —

size of the petition with Point Pleasant Beach Municipal Clerk Maryann Ellsworth and she approved it for circulation.

Mr. Fischer stated that he was solely responsible for printing the petition and referred to the document as his “baby” when it was presented to him by Mr. Provence for examination on the stand.

Mr. Fischer said he printed the petition on large paper, because he wanted to make the petition large and distinct from any other standard 8.5-by-11-inch piece of paper.

Mr. Fischer said he alone began circulating the petition on March 10 outside G. Harold Antrim Elementary School, on Niblick Street, after school hours.

Mr. Fischer said that, when he presented the petition to residents while circulating door to door, he placed it on a clipboard or similar device, for people to hold while viewing the petition.

Mr. Provence asked Mr. Fischer if the top of the petition document, which contains, by law, a statement of the petition’s purpose, was visible while it was on the clipboard.

The New Jersey statutes governing recall protocol state that recall petition circulators need not print the reason for the recall on the petition document. Rather, circulators must print merely a statement alerting signatories that the document they are signing is, in fact, a petition to put the recall of an elected official up for public vote.

Mr. Fischer said that, when he circulated the petition to put Mayor Barrella’s recall up for public vote, the required statement was not visible to those signing the document. He said that, due to the large size of the petition paper, he had to place the document on the clipboard sideways, with the top part of the paper hanging over the side.

After reading the top of the petition, signatories are asked to sign and print their names, print the date they signed, and check a box which signifies that they have read and understood the purpose of the recall petition.

Mr. Fischer told Judge Foster most people looked at the top of the petition or asked to have it read to them, and said they were not prevented from reading it in any way.

Mr. Fischer then noted “some [people] did not look at the top,” and sometimes signed without wanting to read, it because they already knew what it was they were signing.

Mr. Fischer said he always explained the petition’s purpose to potential signatories and sometimes said, “Do you love democracy? If you do love democracy, you’ll sign it.”

Mr. Provence also asked Mr. Fischer if he acted alone while soliciting signatures, to which Mr. Fischer emphatically replied, “I swear to God, absolutely no one else” solicited any signatures on the 46 pages of the petition he authorized.

When a recall petition is circulated, each circulator must sign his name at the bottom of each page he circulates.

Of all the witnesses called by Mr. Provence on Tuesday and Wednesday — most of which were signatories to the recall petition — Point Beach residents Christopher Stewart and his mother, Deborah Stewart, who testified Wednesday, may prove to be the most crucial, as they introduced key evidence contradicting Mr. Fischer’s testimony.

Mr. Stewart said he signed the petition twice during the more than three months it was circulating, because he forgot he had signed it the first time. He testified that the petition was dropped off at his house in April, and he signed it there, not in the presence of a circulator.

Mrs. Stewart, who lives with her son and husband, said she received the petition page from recall committee member Councilman Frank Rizzo at her home, and he allowed her and her husband to keep and sign it at their leisure.

Mr. Fischer testified on Monday that he was the one who circulated this page and verified that his signature appeared at the bottom of the page, yet he said he had no recollection of soliciting a signature from any member of the Stewart family.

The state recall statute dictates that the circulator of the page — who, according to Mrs. Stewart’s testimony, was Councilman Rizzo — must be present when a person signs the page.

It is possible that the signatures of Mr. Stewart, his mother and his father could be removed from the page bearing Mr. Fischer’s signature, if the judge determines them to be invalid in his final ruling.

Mr. Fischer was called back to the stand on Wednesday by Judge Foster.

Once on the stand, Mr. Fischer said Mr. Stewart’s testimony was incorrect.

Mr. Provence described his exchange with Mr. Fischer on Wednesday as “bizarre,” as the two went back and forth in an effort to determine if Mr. Fischer could be considered a credible witness.

Mr. Provence questioned Mr. Fischer about prescription medications he is currently taking, and asked if any of them could affect

his ability to recall past events clearly. Mr. Fischer said he was not taking anything that would impair his memory.

Judge Foster made no rulings on any of these matters this week.

Testimony continued Thursday, as Councilman Rizzo and Ms. Ellsworth were due to be called to the stand. These proceedings were too late to be covered in this edition of *The Ocean Star*.

Councilman Rizzo was scheduled to testify in court on Thursday on the subject of dropping off the petition at the Stewart residence.

On Sept. 11, Judge Foster announced that he would allow Mayor Barrella and Mr. Provence to call witnesses to testify against the validity of some of the 407 signatures the recall committee is trying to have reinstated.

In order to get the recall question on the ballot, the recall committee was required to collect at least 884 signatures from registered Point Pleasant Beach voters and submit the signatures to Point Pleasant Beach Borough Clerk Maryann Ellsworth for certification.

The recall committee, along with a few volunteer petition circulators, collected 1,214 signatures, and submitted the petition for certification at the beginning of the summer.

In early July, Ms. Ellsworth certified the petition, but voided 324 signatures as invalid for various reasons. Therefore, the petition passed with only 890 signatures, a mere six more signatures than the minimum required.

However, upon receiving an appeal from Mayor Barrella to review the petition, Ms. Ellsworth voided 83 more signatures, for a total of 407 signatures deducted from the original 1,214.

Therefore, upon second review, Ms. Ellsworth certified the petition as being insufficient to get the recall question on the November ballot.

The recall committee objected to her certification decision, and took the matter to Ocean County Superior Court, where it is now up to Judge Foster to decide what names will remain on the ballot and what names should be voided.



SUEANNE GOSS, The Coast Star
Point Pleasant Beach Mayor Vincent Barrella was in Ocean County Superior Court again this week, as hearings continued to determine the validity of a petition seeking the mayor’s recall.



SUEANNE GOSS, The Coast Star
Judge Joseph Foster presided over the hearings this week in the case of the Point Pleasant Beach Mayoral Recall Committee versus Mayor Vincent Barrella, and heard testimony from several witnesses, including the head of the recall committee, Stewart Fischer.



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