

**AVON TOWN COUNCIL
SPECIAL MEETING MINUTES
JANUARY 29, 2007**

I. CALL TO ORDER

The Special Meeting of the Town Council was called to order at 7:30 p.m. at the Avon Senior Center/Community Room, 635 West Avon Road, Avon, CT by Chairman Carlson.

Members present: Messrs Shea, Woodford and Zacchio. Absent Mrs. Hornaday.

Chairman Carlson reported the purpose of this meeting is for the Town Council to have input from the public and then have a vote, which is nothing more than a show of support. The State Legislature has the right to pass or not pass an Act Concerning Automated Enforcement of Speeding on Route 44 Over Avon Mountain. We also want to gather more information before we make a decision. He reported that both Jim Norman and Tom Maziarz will give presentations on research findings and proposed legislation regarding Avon Mountain. Jim Norman is Manager of Street Design for the State of Connecticut and Representative of Avon Mountain Task Force. Tom Maziarz is Director of Transportation Planning for the Capitol Region Council of Governments.

II. OLD BUSINESS

05/06-42 Public Comment to be Received:

a. State of Connecticut Department of Transportation Progress Report on Route 44 Modifications; Jim Norman, Connecticut DOT

Mr. Norman reported after the horrible accident in 2005, the Governor ordered a Task Force to be formed to look into the problems on Avon Mountain and take some measures to make that section of road safer to travel. I also wanted to report back on drafts of final recommendations. He reported Project No. 4-123 was already underway at the time of the 2005 accident and we were already involved in a Corridor Study of Route 44 which was done for the Capital Regional Council of Governments. That study found Avon Mountain to be a top priority for studying. After the accident, when the Avon Mountain Task Force was formed, there was a lot of input and we had preliminary meetings with the Town of West Hartford on December 12, 2005 and the Town of Avon on December 15, 2005. He reported there was a lot of discussion and the Council was very supportive of the sign project. They were also supportive of lesser impacting measures, variable message signs, weather stations, which are currently under construction, stop ahead signage, installment of skid resistant road surface, 4' to 8' shoulders, softening of existing curves, realignment of side streets, a 4' painted median and 18' landscaped area.

A long-term project will be truck escape ramps and grade separation of Routes 10 and 44. We now have a study phased for this project, which will obviously have community impact. We are working on that and within a couple of months we will offer our findings to Town Officials. There is also a Governor's website that was formed after the accident and there were about 300 suggestions and almost half of the suggestions were related to speed. In January 2006, we had a neighborhood meeting Deercliff/Montevideo area and in February 2006 a meeting with Pine Tree & Wright Dr neighborhoods, and then a formal Public Hearing on May 31, 2006 at the Avon Senior Center. The reaction was supportive of the design improvements with the project. More recently, we submitted our Inland Wetlands permit application to DEP, we have shared that application with the Army Corp of Engineers, and despite our good efforts, they are looking for additional mitigation.

He reported the basic message is that the sign project is proceeding on schedule and it has been the number one priority of our office. He also reported a warning sign was installed right after the accident September 2005, and we also widened portions of the road to provide police ticketing areas in December 2005. Other improvements were to increase the skid resistance of pavements, which was done in August 2006. We used the Nova Chip surface, which allows much better traction; we are relocating the

Electronic Stop Ahead signs on the approach to Route 10 and also before Mountain Road in West Hartford. Variable message signs and the weather station are also under construction. On the longer-term improvements the Avon Mountain Task Force supported the Pilot Program for Camera Speed Enforcement, which is the subject of tonight's Public Hearing. Additional improvements for the long term are:

- 1) the softening of the two very sharp horizontal curves in the Deercliff/Pine Tree area.
- 2) Providing 4' to 8' wide outside shoulders
- 3) Providing left hand lanes for side streets
- 4) Realigning the offset side streets
- 5) 4' wide painted median
- 6) Truck escape ramps
- 7) Grade separations at Routes 10 and 44

Mr. Norman reported initially it was suggested to provide a 4' wide painted median to get some separation between the two directions of traffic, but in looking at the accident data, the accident pattern was very pronounced, in that, approximately 30% of all accidents involved vehicles crossing over the center line into oncoming traffic, which is a tremendously high percentage. It also involved 50% of all the injuries that occurred. Therefore the Task Force is now recommending an 18' landscaped median with a high-tension guardrail system in the middle to avoid crossover type collisions.

b. Automated Speed Enforcement Program: Tom Maziarz Capitol Region Council of Governments

Mr. Maziarz reported on the Automated Speed Enforcement on Avon Mountain and the proposed legislation and the proposed Pilot Program. He reported the proposal for the Automated Speed Program goes back to the year 2000 and gave a number of recommendations, including Project No. 4-123, which was our top priority because of safety concerns. We also recommended to implement automated speed enforcement on Avon Mountain and at that time, but because it was so difficult to get legislation passed, we chose not to pursue it. Today, we still believe it is something that will be very helpful in that area and the urgency has increased. We also know that since 2000 there have been an increased number of serious accidents on Avon Mountain. He reported in the past we were trying to get statewide legislation passed which included red light enforcement. This time around, we are keeping this request focused to speed enforcement for Avon Mountain only, which should give it a better chance of passing. It has been supported by DOT, Route 44 Task Force, West Hartford Town Council, West Hartford Police as well as the Connecticut Police Chiefs Association. There has been 30 years experience with these systems and most of it has taken place outside of this country because the United States has been slow in adopting it. Speed cameras were first used in 1987 in Arizona and are currently being used in 13 states and the District of Columbia. The National Highway Traffic Safety Administration concludes that this type of enforcement has proven to be very effective tool in high crash locations, high volume roadways and in locations where it is unsafe to conduct traditional enforcement operations. He reported Avon Mountain meets all three of these conditions. We believe this area is a good candidate for automated speed enforcement because it does reduce speed and on the safety side, it reduces accidents, thereby decreasing the amount of injuries. Mr. Maziarz presented a power point, which is made part of these minutes.

Diane Carney-36 Rosewood Road questioned if issuance of tickets would be much of a deterrent for speeders. Mr. Maziarz reported fines of up to \$100 would be a natural deterrent to speeding. He also reported there are programs across the country where they actually ticket the driver but photographing the driver brings up another whole issue as far as privacy, so the majority of states send written violations to the owner of the vehicle.

Wayne Thogmartin- 226 Avon Mountain Road reported he lived in England for 14 years and during that time speed cameras were used. What he experienced is people would slow down in the areas where the cameras were set up and speed up as soon as they passed that area. He also stated if we install enough cameras, we could cut down on that problem. Mr. Maziarz reported we are quite away from designing

the system, but in discussing it with several traffic engineers, it is anticipated that four to six cameras will be placed strategically across the mountain. One system we have inquired about can cover multiple lanes, multiple vehicles and multiple directions. It can cover all four lanes on Avon Mountain.

Joseph McIsaac-52 Northington Drive stated a camera on Avon Mountain is a bad idea. As a physician, I regularly commute over Avon Mountain and believe it is an invasion of my privacy. The road clearly needs to be reengineered. There are very narrow lanes, steep curves, and only about one foot clearance between the opposing traffic. So a 40-mph head on collision is really like an 80-mph head on collision. The climate up there, depending on where you are and the time of day, is a completely different set of conditions. We know the truck accident was due to lack of maintenance and is a criminal violation. The head on collisions are due to lack of a barrier or buffer. As far as the system used in Great Britain, that would be an invasion of our privacy. He also stated this is an engineering problem that should be corrected. Mr. Maziarz reported we had hoped to get the buffers in last year but were not able to and the sooner the barrier is constructed, the better off we will be. The only other option would be to construct the barrier and if things do not improve over the next year, then consider the speed enforcement system.

Frank Zygmunt – 40 Coventry Lane reported he drives over Avon Mountain two times a day and questioned about the length of time it has taken to get the signs and/or barrier in on Avon Mountain. Mr. Maziarz reported we had hoped to get those in last year, but the sooner they can be installed the easier it will make for construction on Avon Mountain.

Joshua Satlof – 260 Burnham Road is with the Avon Fire Department and does the photography of all accidents. He reported some of those people have witnessed some of the accidents on Avon Mountain Road and are in favor of the automated speed enforcement. We are most interested in protecting the user of that road.

John Harmon – an engineer for 30 years stated he is not in favor of the automated cameras because he should not be held responsible if someone else is driving his car and feels it is unconstitutional and is another example of the invasion of our privacy. He also stated it is up to the Police Department to issue tickets to the operator who will then have to go to court. He stated the owner of the vehicle should not be ticketed, because he will then have to prove his innocence. This is just another example of our freedom being taken away a little bit at a time, all in the name of public safety. If this legislation is passed, it will be used by other towns in Connecticut. Dismiss this idea and have traffic enforcement by the Avon Police Department.

Pat Hennig – 32 Avonridge reported she lived in California for 15 years before moving to Avon. She stated before people travel on Interstate 91 or any of the Interstate highways, they turn on the television or the radio to hear what the traffic conditions are. There are also cameras photographing motor vehicles on these highways and I do not feel that is an invasion of privacy. There are also electronic signs warning motorists about road conditions and traffic problems ahead. Maybe this is something that should be done on Avon Mountain. Is there a difference in the privacy between cameras on the interstates and the cameras we are talking about for Avon Mountain? Mr. Maziarz reported, nationwide, clearly the law says that individual drivers within a vehicle on a public road have no expectations of privacy. Also the camera technology is very different. The cameras used on the interstates is used mainly to cover a larger distance and the overall traffic pattern, whereas, the cameras being talked about for Avon Mountain are much higher definition cameras.

Mr. Maziarz reported one thing needs to be pointed out about the DOT plan. There will be a median barrier, it will not be a Jersey barrier, and there will be a cable barrier. The weight and size of the cable is up to the DOT. He reported there are problems with severe accidents up on the mountain itself. In the data that we looked at there were two fatalities in a 3-year time period, exempting the 2005 accident.

Marc Reich – 34 Oak Bluff questioned what is the estimated timeframe for the signs to be installed on Route 44, how this program would impact on a person's insurance rate, and will their insurance company be notified? The truck accident was not an issue of speed, but speed is certainly one of the factors on Avon Mountain. He also stated he cares more about safety than personal privacy. He also stated, although the Police Department does not make the policy, we should get their opinion on how they think this speed enforcement will work. He also questioned the cost of the system.

Mr. Maziarz reported the cost of one camera is about \$80,000 - \$90,000. So for four to five cameras, we are looking at \$400,000 to \$450,000. It is my recommendation to towns at this point, that they apply for grant money. There will also be revenues from the tickets to offset the cost of the system. In the city of Charlotte, NC the ticket cost is \$50.00, and the city receives \$17.00 revenue from each ticket given.

The Town Manager reported in our form of government the Town Council makes all the decisions and the Police Department and the Administration make the administrative decisions. The West Hartford Police Department supported this program and presented it to the West Hartford Town Council, who then supported the legislation last year. We have brought the issues to the Town Council and it is their decision as to whether they want to support the legislation that is being recommended. Someone from the audience questioned if the Police Department can vote on this. The Town Manager reported Avon Police Department does not vote in this particular case. There are both negative and positive aspects to the whole issue. Obviously, if you travel Route 44, you are aware of the issues of safety for our police officers. The State DOT and the Capital Region Council of Governments have provided information that show that speed is a significant factor in the accidents and other issues that relate to that section of the highway. We have seen evidence not only tonight but also in other studies that this type of speed enforcement does reduce speeding and accidents.

The Chief of Police reported we do not set policy, we follow policy. I testified before the legislature last year in favor of the cameras to be used as a tool, but it may not be the only tool. We will leave that up to the Town Council and the Town Manager to decide what direction they would like to go. It certainly would be helpful, however, we have several means available to us to enforce the speed limits up there.

Douglas Alexander – 178 Juniper Drive stated he is opposed to the speed camera and does not believe speed is the problem.

Carolynn Palmer – 85 Wellington Heights is opposed to use of a speed camera as a deterrent. She stated she travels this section of road 365 days a year and there are only about 30 days where the weather is a problem, and I do not want to spend my tax dollars on a system like this. I have traveled the road where people are driving 55 mph and there are no speed traps. It took a serious accident over a year ago to get the towns and people thinking about what can be done about it. I also think the main reason for the cameras is to gain extra revenues. Accidents are called as such because that is just what they are. They are caused by a driver's lack of attentiveness, the driver's lack of experience, and by outside sources beyond our control. She stated it is her opinion that we should not move forward with the camera system, that we have done enough already. The police officers can ticket speeders to slow them down.

Mr. Greg Johnson - 91 Meadow Ridge stated he is opposed to the speed cameras because once something like this gets approved, it will be used to get additional revenues. The accidents are due to road conditions and people not using common sense.

A woman spoke that she prays every time she drives over Avon Mountain. That is probably the only reason why I have not had an accident. I also drives 25 mph going around the curves and a lot of people come up behind me at a very close distance, I know they are angry. I also know that speed is a real issue on the mountain, and when you have bad conditions, you have to drive slower. I am tired of listening to sirens all day long. I am tired of worrying when or if it is going to be a member of my family that gets hurt. So, I am in favor of the cameras.

David Nord – 16 Oak Bluff - Inaudible.

Robert Hintermister – 27 River Mead stated he has lived in this area since 1952 and in Avon since 1996. I really feel for the policemen that are on duty on that highway enforcing the speed limits under all conditions. I do not see why Town of Avon should have to pay for patrolling a road that is used by 80 percent of the people that do not live in the town. The DOT does an admirable job in trying to keep up with the increase of traffic. I think the problems with trying to make Avon Mountain safe, in putting the jersey barriers in, my concern is when you improve the road conditions, and people are going to get more careless. What I see us trying to accomplish is to keep ahead of the increasing traffic conditions and the escalations on that highway. People will race to get to work in the morning and anxious to get home at night, so that condition is never going to improve. I would like to see the camera system tried on a trial basis, monitored closely and get feed back from the boards and the Police Department.

A Canton resident who was involved in July accident supports the speed camera and also agrees the truck and escape lane should be explored, explaining the accident was not the result of speeding. He stated he is aware the 2005 accident involved criminal violations, i.e. driver and condition of the truck.

A resident from Huckleberry Hill stated the implementation of this system is a violation of our privacy and our constitutional rights. He also questioned how the camera system works. Mr. Maziarz reported he has a film available for people to view if they are interested. This resident also stated that he lived in California for some 15 years and in Avon for the last 30 years. He is in favor of having jersey barriers constructed and suggested the money to be used for cameras would be better utilized if spent on jersey barriers. Mr. Maziarz reported, it needs to be pointed out again as Mr. Norman reported in his presentation regarding the DOT plans, there will be a median barrier, it will not be a jersey barrier. He reported there are problems with severe accidents up on the mountain itself and the data that we looked at, there were 2 fatalities during that 3-year time period, excluding the July 2005 accident.

Mr. Bullis - 14 Stony Corner Circle stated he is against installation of speed cameras. He stated improving the condition of the road and the construction of jersey barriers can save lives and prevent accidents. There are two things we have to look into. One is vehicle speed control and the second is the condition of the driver. He also stated it is up to the Police Department to police that area and issue more tickets to speeders.

Kevin Witkos stated he is in favor of law enforcement with the issuance of tickets from police officers. He stated the licensed operator should receive the ticket, not the owner of the vehicle. He also had concerns about who was going to be viewing the film and stated it should be viewed by certified officers that have knowledge of speed control tactics. He also questioned if it is a rental vehicle, who will get the information on that and contact the driver of the car? Another question is what are qualifications of the Hearing Officer. This person will have a lot of power and some of the wording in the bill is very subjective, i.e. “may versus will”. Also, if he decides that a ticket should be issued, it has to be within 5 days and they have 10 days to respond. Is that 10 days from when the ticket is mailed or 10 days from when they receive it? He reported he has a lot of questions about this system that he will be asking when it goes before the legislature. If the bill is passed by the legislature, the Town of Avon does not have to adopt an ordinance. If it passes, the State of Connecticut enables you to provide these cameras, and it can be presented to the Town Council at that time.

Chairman Carlson questioned if he was in favor of this bill. Mr. Witkos stated two years ago I was not in favor of it.

Ms. Goldberg – 4 Arlington Drive voiced her concerns about traveling over Avon Mountain. She has children and her family travel over that stretch of road. They know better then to bicker in the back seat while I am driving over the mountain, and we have had discussions about how dangerous it can be when

you are not paying attention. She also stated, I do not care about people's privacy. If cameras will help to protect people, then bring them on.

Charles Regan – 9 Paperchase Trail – I have traveled on Avon Mountain since I was a teenager but it has become very dangerous over the last ten years. The drivers not only speed, but they are also very aggressive, weaving in and out of traffic. I am not afraid of the cameras, I am not afraid of my privacy because I do not speed. Privacy can be a concern but safety should be our first concern. People drive too aggressively and I am in favor of the speed cameras and I think it is a step in the right direction. He stated people are saying the main problem is with the road. We are spending a lot of money on fixing the road, but we are still having trouble with people speeding.

Mr. Maziarz reported the road conditions are always going to be an issue because there are a lot of limits as to what you can do on that highway. He reported the grade of the road is an issue, but construction of a median barrier will help with the cross over problems. The softening of the curve is probably going to reduce a good number of the accidents on the curves and driver behavior will also play an important part.

Brandan Hickey – 2791 Albany Ave., West Hartford, requested permission to speak because he is a West Hartford resident. He discussed the proposed legislation and where he felt it was ambiguous. He also questioned who put this bill together. Mr. Maziarz reported he asked for samples of legislation from previous years to use as a base and this is what I was supplied with, from members of the West Hartford Police Department. The Connecticut Police Chief Association has sponsored legislation similar to this and suggested that Mr. Hickey get in touch with them. Mr. Hickey reported the Connecticut Police Chief Association was concerned about this. He reported in 2005, he requested that a Pilot Program be initiated for the speed zone. The bill does need some work. There is no provision in this bill in the event that errors are made, i.e. if a speeder gets caught on radar and feels that he was not going that fast, the calibration on the radar equipment can be checked to make sure it was working properly. In Section D of this Substitute Bill, it does not state if the citation will be sent by certified mail. It also states there will be signage but it has to state that the signage has to be approved by the State Traffic Control Commission. Another important thing to look at is technician errors. Also, no where in this proposed legislation is there any mention of the qualifications of the Hearing Officer.

Chairman Carlson reported that information was covered by Kevin Witkos. We need to remember that this bill is going to be debated, changed, altered, and passed or failed before the state legislature, not at this hearing. He reported this is all good input, but Mr. Witkos made us all aware of the so-called holes in the bill, which will have to be remedied before it can go any further.

Mr. Hickey stated, at some point, you have to address what it is that you are approving. This is the basic point at which the legislature will find out whether or not there is an inclination to follow it through. In addition, this states there will be penalties, costs and fees in addition to the fine. It is my understanding it would be \$100 for the fine. Where are these other things coming from? Is it a share in the costs of film or operator or civil fees? It is not clear. Chairman Carlson reported a point was made earlier by Mr. Maziarz that one of the things that would happen in all of this is that we would approach the State for a grant to purchase the equipment. We understand what you are saying. You have grave concerns about the way this bill is written and there are changes that need to be made, and Representative Witkos is well aware of this.

Chairman Carlson thanked everyone for their input and reported the Town Council has not deliberated or taken into consideration the matter of raising revenues. That is the last thing we are looking for. This Council has one concern, which is the safety of people driving over that mountain, whether they are Avon residents or not. Secondly, he reported several people have voiced concern that this is an erosion of privacy, but it is one I personally will be willing to accept to have better safety on the mountain. Thirdly, someone talked about being able to drive faster over the mountain, and to me, that is not an

option. If you drive 50 mph versus 40 mph, over that 3.2 mile stretch, you will get to the stop light in West Hartford about one minute faster.

Mr. Shea reported this is not about raising money. This is all about safety. This Council has focused on safety, talked about safety, tried to look at the analysis of safety versus enforcement, versus speed, versus control, but we do not have a real feel for where the group is. I am leaning towards the Pilot Program. I have some real concerns about how it is going to be implemented, how much it is going to cost, where those costs are going to be allocated, how will it be enforced. Mr. Witkos brought up many points, which are going to have to be defined. Mr. Hickey also brought up some very important concerns as far as additional signs for weather, the barriers, and trying to get some additional enforcement on the mountain, in addition to the cameras in the Pilot Program. He also stated the public should not leave here this evening, thinking that we are focused on money. This Council may agree or disagree, but we are focused on safety. I would like to see the Condition signs, I would like to see the barrier, more police enforcement and I too would lean towards trying the Pilot Program.

Mr. Zacchio reported he appreciated everyone's opinion and for some, it has become an emotional issue, but it is also an issue of safety. This has never been about fund raising from our standpoint; it has always been from a safety aspect. I am not in favor of the cameras at this point for a number of reasons. Speeding in general is an issue all over this town, and all over the State for that matter. Aggressive driving is becoming a big issue, which is difficult for a Police Department to address. However, in the aspect of safety, I do not believe the accidents, that are occurring on Avon Mountain, are related to speed issues. From all of the data that we have collected, those accidents are happening on the curve. The speed at which people are traveling and losing control, around those curves, were due to a number of issues. One, following too closely, another was road conditions. Speed is always an issue, but with some of the accidents that occurred, the drivers were not going above the speed limit, so the cameras would not even pick that up. I do not think the cameras will address the issue of safety. But I do think will address the issue of safety is the redesign of the road, which I would like to see, done on an accelerated basis. I think the medians are the answer to avoid cross over access on the ones that are causing most of the accidents. I would also like to see more Police and more time spent on the mountain by the police that will create a presence, so that people will think twice before upping their speed. Signs for the road conditions are great because that is a huge contributing factor. Mr. Zacchio reported that years ago, there was a sharp curve on Country Club Road and there were accidents there every couple of weeks, some of which were fatalities. Once the curve was taken out, the accidents stopped. So, I think that the road redesign and construction of medians on Avon Mountain will address safety in a more concerted effort.

Mr. Woodford stated he cannot commit to the Pilot Program at this time. I have no idea on how it will be financed. The road conditions are a major issue and they must be redone. And I am not sure I want this project to be a test case for the State of Connecticut, in Avon, because there are too many unanswered questions in my mind.

Mr. Carlson brought the meeting to a close at 9:40 p.m.

III. OTHER BUSINESS -None

IV. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Attest:

Caroline B. LaMonica
Town Clerk

