

**From:** Mike.Bajorek@TownofCary.org  
**Sent:** Tuesday, November 24, 2009 9:50 AM  
**To:** brian@talusmusic.com  
**Cc:** paulstam@bellsouth.net; Jennifer.Robinson@townofcary.org; Ben.Shivar@TownofCary.org; Tim.Bailey@TownofCary.org  
**Subject:** Fw: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

Mr. Ceccarelli,

Tim Bailey, our Town Engineer, looked into the intersection you mentioned in your email and sent the following information. The east bound through movement is the one with the red light camera. The timing was confirmed to be 4.0 second for amber and 1.7 seconds for all red. This matches the design plan sealed by the engineer, Troy Peoples, State Traffic Engineer 5-31-1991. We don't have authority to arbitrarily change the amber and red times. The standards have decreased the amber minimum since the original design and many intersections in Cary posted 45 MPH have a shorter amber timing.

The attachment you mention must have been stripped from the email chain. If you would like us to review your information, please feel free to send it to me and I'll pass it along to the correct folks.

Sincerely,

Mike

Michael J. Bajorek  
Assistant Town Manager  
Town of Cary  
PO Box 8005  
Cary, NC 27512  
919-469-4003

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

----- Forwarded by Mike Bajorek/Cary on 11/24/2009 09:39 AM -----

Ben Shivar/Cary

To Mike Bajorek/Cary

cc

11/21/2009 03:46 PM

Subject Fw: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

Mike: will you follow up on this 1st thing Monday morning? I have already responded to Rep. Stam and Jennifer advising we will follow up.

Thanks  
Ben Shivar

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**From:** "Paul Stam" [paulstam@bellsouth.net]  
**Sent:** 11/21/2009 10:09 AM EST  
**To:** Ben Shivar  
**Subject:** Re: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

Thank you, Ben. YOu are quick. Paul Stam

STAM, DANCHI & DONALDSON, PLLC  
P.O. Box 1600  
510 W. Williams Street  
Apex, NC 27502  
Tel: 919-362-8873  
Fax: 919-387-7329  
Cell: 919-740-5913

----- Original Message -----

**From:** [Ben.Shivar@TownofCary.org](mailto:Ben.Shivar@TownofCary.org)  
**To:** [paulstam@bellsouth.net](mailto:paulstam@bellsouth.net) ; [Jennifer Robinson](#)  
**Sent:** Friday, November 20, 2009 10:02 PM  
**Subject:** Fw: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

Representative Stam:

I will have Town staff check into Mr. Ceccarelli's concern on Monday and I will reply as soon as possible.

Ben Shivar  
Ben Shivar

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**From:** Jennifer Robinson  
**Sent:** 11/20/2009 06:51 PM EST  
**To:** Ben Shivar  
**Subject:** Fw: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

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**From:** "Paul Stam" [[paulstam@bellsouth.net](mailto:paulstam@bellsouth.net)]  
**Sent:** 11/20/2009 01:04 PM EST  
**To:** Jennifer Robinson  
**Cc:** "Rep. Paul Stam" <[PaulS@ncleg.net](mailto:PaulS@ncleg.net)>  
**Subject:** Fw: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

Jennifer, Could you forward this to the right person in Cary, asking Cary's position on this. Thanks Skip

----- Original Message -----

**From:** [Rep. Paul Stam](mailto:Rep.PaulStam)  
**To:** [paulstam@bellsouth.net](mailto:paulstam@bellsouth.net)  
**Sent:** Friday, November 20, 2009 12:58 PM  
**Subject:** FW: Illegal Red Camera Light in Cary. Legal Quandry. Please help!

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**From:** Brian Ceccarelli [<mailto:brianc@talusmusic.com>]  
**Sent:** Thursday, November 19, 2009 10:45 PM  
**To:** Rep. Paul Stam  
**Subject:** Illegal Red Camera Light in Cary. Legal Quandry. Please help!

Dear Mr. Stam,

I left a message on your office phone today. This e-mail is a repeat of that message.

I need some help. My question is, what should my next step be?

In this end, this kind of illegal red-light camera operation is a state-wide problem. That is why I am calling you.

It all started with the Red Light Camera at the intersection of Cary Town Blvd and Convention (the Mall entrance) snapping a picture of me running the red light. It was the fastest yellow light I've seen in a long time. So a few days later, I came back with a stop watch and took a few measurements.

To make a long story short, I can prove that the Town of Cary has been illegally collecting money at this intersection. The yellow light duration is too short according to the DOT. My measurements match those of the DOT. See the attachment. I did my research.

I talked first to the Cary Police. They absolve themselves from the whole mess. They told me to talk to Safelight in the Cooper Building.

I talked to Maria in the Safelight Office. Maria knows about the problem. It's rather obvious from the disparity in the statistics hanging on her wall. But she denies knowing about the problem. She points her finger at the DOT, and assumes that the DOT set the yellow light duration correctly (that was in 1991 by the way). But then enters the conflict of interest. Safelight profits by not letting the DOT know about the problem intersections. When I asked Maria if Safelight proactively returns money illegally set-up red light cameras, she said "No. Drivers have to come here and challenge us." Safelight and the Town of Cary, in 2008, made \$66,000 just off this one traffic light.

Now I am faced with a due process of law problem. In order to challenge the Town of Cary, I actually have to pay \$50 to challenge them. I get the \$50 back if I am in the right. But still they charge me \$50 to challenge them in the first place. This is like a police officer giving me a ticket and forcing me to pay \$50 on the spot for court case, guilty or not-guilty. Safelight calls this "bond-money." In order to demand bond, I thought I had to be in custody first. I see nothing in the session law about this kind of thing.

Do I suck it in and pay \$50 to challenge them on a light they have illegally set up to start with?

Do I go to a real court and a judge's order against Safelight and the Town of Cary since the Cary is operating an illegal light to begin with?

Do I have to start a class-action law suit to get Safelight and Cary to pay back all the money they have stolen from this light as well as about 5 probably equally illegal red camera lights?

Please read my attachment. The proof is there.

## Brian Ceccarelli

Talus Music  
4605 Woodmill Run  
Apex, NC 27539  
919.815.0126  
888.746.6892 (Fax)

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