

Bullet Strikes in Durham

For some time now Durham's public safety officials and I have been dealing with a serious problem regarding safety risks to Durham citizens which we believe are attributable in part or in whole to the operations of the Blue Trail Range ("Blue Trail") located in Wallingford. As most of you are aware, some properties located on the west side of Durham have been struck by bullets. I, as well as the other Durham officials and the affected property owners, are greatly concerned.

Durham officials have been and are actively involved in seeking a resolution of the matter which provides assurance to all Durham citizens whose property is within range of Blue Trail that every effort has been made to contain bullets to the range property. I am working diligently to protect all of Durham's residents and their properties. Because the range is located in Wallingford and not regulated by the state, the ability of Durham officials to take direct action is severely limited.

There are two lawsuits pending in Superior Court, brought by an aggrieved Durham resident, which suits are scheduled for hearing and trial on November 30. While the town has not intervened in these suits or brought any lawsuits of its own, there has been communication with Connecticut officials and our town counsel in an effort to determine legal options.

Communications have also occurred over the past two years with officials in Wallingford and with the Governor's office, the Department of Environmental Protection, the Department of Public Safety, the Attorney General, and with our legislative delegation. In addition to regular phone calls and emails, I have participated in a number of meetings at which potential avenues for resolution have been discussed.

The Department of Public Safety made a thorough investigation but was not able to establish proof of commission of any crime. The Department of Environmental Protection, the state agency most affected, by virtue of ownership of adjoining property to the east of the range, has reached an agreement with Blue Trail range to close the 200 yard range but has not sought an injunction against shooting over or into the state's property or closed the state's property to hikers and other users while the remainder of the range is in operation. Also, DEP has not sought to enforce environmental laws and regulations intended to protect clean water sources from lead and other contamination even though there may be evidence of serious contamination.

After encouragement from the Attorney General, the Board of Selectmen commissioned and received a report from Golden, Weise and Associates, LLC, ("GWA") a nationally recognized consultant in firing range design and safety. The report is posted on the town's website and copies are also available for purchase at the Town Hall. GWA confirms the likely source of bullet strikes as Blue Trail and makes numerous recommendations or suggestions with respect to safety measures the range can take beyond those Blue Trail has undertaken as a result of our meetings and the investigations and the lawsuits. Unfortunately, GWA was not allowed access to the site by Blue Trail's owners and attorneys who made GWA's job more difficult to do. Nonetheless I believe that the report will be useful for any legal action and to state agencies that continue to investigate the matter.

I continue to communicate with representatives of various state agencies seeking more proactive responses. I have also had extensive discussions with our town attorney regarding possible courses of action that the town may consider taking. I am not inclined to recommend to the Board of Selectmen that the town institute a lawsuit against Blue Trail at this time. That having been said, because the issue of the safety of all Durham residents is paramount in my mind, I have not ruled out the possibility of asking the Boards of Selectmen and Finance to approve the filing of a suit against Blue Trail and the appropriation of money to prosecute the suit. In fact, I will begin that conversation this week with the Board of Selectmen.

Fortunately, to date, the damage has been only to property and not to any person but the result of such damage has been felt by all Durham property owners. There have been requests for lowering of real estate assessments that have been approved by the Board of Assessment Appeals.

The town will continue to monitor the situation and I will continue to try to obtain assistance from appropriate state agencies. I urge all property owners who believe their homes have been struck by stray bullets in the last year to come forward and report the occurrence to my office or to our resident trooper's office. We must find a way to achieve a resolution that protects our citizens from the chance of serious injury.