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Sara Lennon, Chair
Cape Elizabeth Town Council
320 Ocean House Road
Cape Elizabeth, ME 04107

RE: Spurwink Rod & Gun Club

Dear Chair Lennon:

On behalf of certain concerned citizens of Cape Elizabeth, I hereby request that the Town Council consider and schedule a workshop and a public hearing regarding the safety conditions surrounding the ongoing use of the Spurwink Rod & Gun Club (the "Club"). Prior to approaching the Town Council, I have met with the Chief of Police and the Town Manager. I valued and appreciated their time and input. After that meeting and with considerable effort, I met with the attorney for the Club. I sincerely hoped to make progress with the Club on an informal basis. Regrettably, the Club has not responded to several follow up inquiries, and thus, we have made no progress. Therefore, I am compelled to address the issue to the Town Council.

As you may (or may not) be aware, the most alarming situation relating to the Club is that stray bullets have been found in the densely populated neighborhood abutting the Club. Indeed, in one instance, a bullet was found imbedded in the side of a house, right beneath the window of a child's bedroom. There should be zero tolerance for this type of accidental discharge. Furthermore, the Club is not fenced on the back end of the property and there are scores of children that live in close proximity to the Club's boundaries. Children wander and explore and could inadvertently wander into a danger zone. It is clearly feasible to make the Club a safe club. It is time that the town has a discussion surrounding what constitutes a safe gun club and how we can assist the Club in achieving that distinction.

Certainly, the Club enjoys certain freedoms pursuant to state and federal laws. Nonetheless, the Club does not have the right to needlessly endanger the citizens of this town. Further, the municipal government of this town has the duty to protect its citizenry from clearly dangerous conditions within the physical limits of the town. I suggest it would be prudent for the town to minimize its own potential liability associated with this safety hazard. It is particularly timely to address these concerns now that the Club has expressed its intentions to expand its capacity and to possibly host gun competitions.

While the town is considering the safety issues, it may also be appropriate to consider whether there are any negative environmental consequences stemming from the activities at the Club.

The intent here is not to shut down the Club; rather, it is to operate the Club in a safe manner. I look forward to hearing the feedback from the Town Council, the citizens of Cape Elizabeth, and the Club.

Regards,

James R. Wagner

James R. Wagner

Cc: Town Manager Michael McGovern
Chief Neil Williams
Jeff Jones, Esq. (Club Counsel)