

Court Appeal Pending

June 5 1985
Regional Shoppe

Benson Amendment Fails; Lake Facing Drainage

By SILVIO ALBINO
Staff Writer

LEBANON — Lake Williams in Lebanon is one step closer to being drained this summer now that a local lawmaker's final attempt to have the state assume ownership of the lake failed last week in the Legislature.

The state Senate voted down a \$1.6 million request by Sen. Eric Benson (R-19) to amend Connecticut's \$25 million bonding package and purchase the Lebanon resort.

Meanwhile, the state Supreme Court is expected to hear an appeal on June 11 by the Lake Williams Beach Association to stop the dam's owners from draining the lake. However, Benson said last Wednesday night's loss in the state Senate chambers effectively sentenced the lake to summer drainage because the Supreme Court will probably not accept the beach association's appeal.

"The court will rule that the Gilman brothers (the dam's owners) have individual property rights," Benson said. "There is little other recourse right now. I think the lake will be destroyed."

The state's Department of Environmental Protection ruled the Gilmans must either repair or destroy the dam based on an inspection that found the dam was unsafe seven years ago.

DEP Commissioner Stanley Pac allowed the option and therein lies the problem, according to Benson and local officials. The Gilmans believe the repair would be too expensive so they threatened to destroy the dam, much to the chagrin of lake residents.

"That was the most foolish thing Commissioner Pac could have done," said Irving Kiotic, chairman of the town's Flood and Erosion Control Board. "He should have never have given the Gilmans that choice."

The DEP has not been supportive of state ownership since Benson began his Lake Williams campaign in the legislature. Pac told Lebanon residents at a March public hearing the DEP would supply the \$250,000 for dam repairs but that the town should then assume ownership through eminent domain. However, local officials claim the \$1.6 million pricetag is too expensive for Lebanon.

"The town is in no position to do that. Even if we declared eminent domain, the lake would be assessed at a price we just could not afford," Kiotic said.

Benson, the chairman of the Senate Environment Committee, introduced the bill in February after public hearings conducted by the DEP in Hartford resulted in a stalemate between the two sides.

It passed his committee easily but was shot down by the Finance Committee earlier this month. Last week, Benson proposed an amendment to supply \$1.6

(Continued on Page 8)

"I think the lake will be destroyed."

Benson Amendment Fails

(Continued from Page 1)

million for the lake ownership, but the state Senate turned it down in a vocal vote. Benson did not ask for a roll call vote.

However, the first-term lawmaker pointed out that if the problem still exists by the next session beginning in February 1986, he will re-introduce the bill and expects it will be easier next year.

"I get the feeling that next year we can have it passed," he said. "This bill has merit. This summer, I want to get some legislators down there (to the lake) and show them what's really going on. This year was a rocky road."

Benson maintains the lake will be destroyed if the Gilmans drain the lake. He claims the owners want no more expense and would have favorably received an offer from the state.

Meanwhile, a decision by Pac on a request by Gilman to drain the lake is due by June 15. And the state Supreme Court ruling of the appeal is also imminent.

According to Peter Cooper, attorney for the beach association, his clients will claim the 1983 Superior Court ruling allowing Gilman the drainage rights was wrong.

Judge John Purtil of the state Superior Court ruled the Gilman's, as owners of a 999-year lease of lake's dam, can control the lake's water level. Purtil said the lake association does not own lake bottom rights and therefore can not stop the Gilmans from draining the lake.

Cooper, however, claims that Harold Leibman, a member of the beach association, owns water rights.

George Gilman, attorney for the Gilman brothers of Bozrah, was not available for comment.

Keeping Lake Williams Filled Is Object Of Flood Board

JUN 10 1985

By Pat Zemko
LEBANON - Members of the Flood and Erosion Control Board are investigating different avenues of action to take to keep the water in Lake Williams following the defeat in the legislature last week of Bill No. 702, requesting the state to purchase land and water rights to the dam.

The bill, sponsored by Sen. Eric Benson (R-19th District), would have appropriated \$1.6 million to buy the dam from the present owners, The Gilman Brothers Co. The owners of the dam and the town have been engaged in a tug of war since floodgates were opened last fall for state Department of Environmental Protection (DEP) ordered repairing, causing the man-made lake to drain and create a mud hole for persons who were, before the gates opened, owners of beachfront property.

"The board is not taking the defeat of this bill lightly. Lake Williams will not be destroyed," board chairman Irving Kiotic stated.

Board member David Day commented that Stanley Pac (DEP Commis-

sioner) started it all by giving the Gilmans the option to either repair or remove the dam. "The court order is the only thing that kept the plug in the dam, and we must keep it in until a solution

(Continued on page 16)

Keeping Lake Filled

(Continued from page 1)
is reached," he said.

The immediate concern of the board is in keeping the water in the lake until after Labor Day to accommodate summer activities and for seasonal use. The water level could be lowered in the fall for dam repairs without hurting anyone, Day added.

Speaking after the meeting, the recently elected president of the Lake Williams Beach Association Ron LaForge said, "We should remind Pac of promises made." On one of the commissioner's official visits to the site he reportedly commented that there would be water in the lake, members recalled.

"Let's remind him of this and go through the courts to extend the restraining order on draining the lake," LaForge said.

Board members agreed to consult with the Board of Selectmen concerning legal means to ensure that the flood gates remain closed.

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Locals Content For Now

6-17-

Lake Williams Will Not Be Drained This Summer

LEBANON - A temporary solution that has left town officials happy at least for the time being was reached last week when Department of Environmental Protection (DEP) officials ruled Lake Williams can not be drained this summer.

Flood and Erosion Control Board Chairman Irving Kiotic said he, First Selectman Edward Clark and several others met with DEP Commissioner Stanley Pac who told them the Gilman Brothers' request to destroy the lake's dam will not be ruled on until the end of July. That means that the water level will have to stay full this season.

"That's good news for us," Kiotic said. "It was a very fruitful meeting. Mr. Pac has made a commitment to us, at least for the summer."

Pac said that if the water level at the lake is dropped below a certain point, the DEP should be informed of the action so officials may take the proper steps.

Last week, the flood gates were opened but only because the spillway was running over. Kiotic believes that was done so the dam wouldn't be destroyed due to high water pressure. It is currently at a level where the resort can be used.

The DEP has once again offered the town money to repair the dam so that Lebanon officials may set up a tax district, purchase the lake, and take it over. In the past, local officials have been against the plan, saying it can not afford the purchase price. The lake has been assessed at costing approximately \$1.5 million.

State Sen. Eric Benson (R-19) proposed state ownership, but the plan failed last session. Benson said if the problem is not resolved this summer, he will fight for state ownership again. The DEP is against a state purchase, saying it will set an expensive precedent.

The lake controversy began in 1978 when the Army Corps of Engineers ruled the dam unsafe. In 1981, the DEP ordered the Gilmans to either repair or destroy the dam and when the lake's owners decided to forego expense and planned to destroy the dam, the Lake Williams Beach Association filed suit.

Although the beach group lost in a Superior Court ruling, the state Supreme Court heard an appeal last week. A decision has not been yet made.

- Silvio Albino

Decision on Lake Now Up to the DEP
Cataneese, Lisa
The Hartford Courant (1923-1987); Jan 15, 1985;
ProQuest Historical Newspapers: Hartford Courant (1764-1987)
pg. B33D

Decision on Lake Now Up to the DEP

By LISA CATANESE
Courant Staff Writer

LEBANON — Town officials say they have exhausted all possibilities of saving Lake Williams and are waiting for the state to decide whether the owners of the dam that creates the lake will be allowed to drain it.

Under state Department of Environmental Protection orders either to repair or remove the dam, Gilman Bros. Co., the dam's owners, decided last year to remove the floodgates.

Such a move would reduce the picturesque 247-acre lake, a popular recreation area, to a muddy hole.

Lebanon First Selectman Edward O. Clark said Friday negotiations between the town and Gilman Bros. have broken down. Clark said the town cannot afford to buy the dam and make the necessary repairs, estimated to cost \$1.8 million, and Gilman Bros. says it cannot afford to repair it either.

A bill sponsored by state Sen. Eric H. Benson, R-Franklin, calling for the state to spend \$1.8 million to buy the dam and repair it, was changed so much by the General Assembly's Finance, Revenue and Bonding Committee that, although the legislature approved it, it will not help Lebanon.

"It's really gotten to the point where the dam owners are just being vindictive," Benson said of the six-year battle between the owners and the town.

"If we were talking about Norwich or even Montville, two other towns in my district, there's a large

enough tax base to absorb it [the cost of buying the dam]. But not in Lebanon."

Clark said attorneys for the town and Gilman Bros. were given until the end of July to file briefs in connection with Gilman's request to remove the floodgates. He said he expects a decision sometime after Aug. 1.

Clark said the town would need to raise "a ridiculous amount of money" to buy the dam. The tax rate for the town, with 4,000 residents, would have to increase 12 mills to finance the purchase, he said.

Benson said residents around the lake, who would be taxed more than the rest of the town, would face an average increase of \$1,000 in their annual tax bills.

Lawrence Gilman, owner of Gilman Bros., which owns the Bozrah Light and Power Co., said he is sympathetic to the residents' plight.

"I feel awfully sorry for the people who live around the lake," he said. "We've always felt sorry for them."

Gilman said he also has sympathy for town officials, who have been saddled with the task of maintaining a lake that is used for recreation by residents throughout Connecticut. He said the state should have accepted financial responsibility for the lake.

But Gilman said he will proceed with plans to remove the floodgates if he receives DEP permission to do so.

"I don't know what to do," he said. "We've spent tens of thousands of dollars defending ourselves, and no one's been sympathetic to us."

Lake Williams ^{Chronicle} water drained

By ANDREW LIDDELL
Staff Writer

July 1, 1985
LEBANON —

The owners of the Lake Williams Dam have drained nearly two feet of water from the lake, prompting at least one lakeside dweller to seek state intervention to stop the draining.

Dam owners, the Gilman Brothers Co. of Bozrah, plan to keep the dam gate open until the lake level goes down a total of three feet, which the state Department of Environmental Protection has said they have a right to do since they own the lake and the dam. The Gilmans could not be reached for comment this morning.

Raymond Kantor, owner of a 10-acre campground next to the lake on Route 207, said today he has asked the DEP to prevent the Gilmans from lowering the lake any further.

But Benjamin Warner, Director of the DEP Water Resources Division, said today the likelihood is slim that the state can prevent the

Gilmans from lowering the lake another foot.

During hearings last winter on the Gilman's application to remove the dam gate, "their engineer recommended that until some decision is made on the permit request the water level should be dropped three feet," Warner said.

"We accepted their proposal because (the Gilmans) are legally responsible for the dam. If the dam breaks, they would be responsible for any damages, not the state," Warner said.

But the action has upset some.

"I'm trying to get the state to have the water level dropped two feet instead of three," Kantor said.

"Lowering that lake three feet is going to have a great impact, no doubt about it," he said.

"I can still get by with the 21 inches the lake already has been lowered, leaving one foot of water at the boat launch area. But it's already rough to launch those big ski boats," Kantor said.

"It will not make the lake conducive for recreation by having the water level so low," Lake Williams Beach Association President Ronald LaForge said today.

"Mr. (Lawrence) Gilman assured me it would be lowered to the three foot level. The water now is one foot deep at my house" on Lake Shore Drive, LaForge said.

The decision by the Gilmans two weeks ago to open the dam gate and lower the lake level by three feet is going to curtail recreation for many lakeside dwellers, First Selectman Ed Clark said today.

"The upper three-fourths of that lake is only about four feet deep to start with," Clark said.

"The Gilmans assured me they were going to lower it three feet below the overflow level, and as far as I know, that's the extent of it," the first selectman said.

Warner said today he will meet with DEP Commissioner Stanley

Pac today to see what the department can do to keep the water level at a two feet drop, "but frankly, I don't think much can be done."

"Quite obviously, it isn't in our opinion necessary they lower the lake that far, but we have no way to say 'no' if their engineer says three feet has to be the level, although we do believe that three feet is overkill," Warner said.

A decision by the DEP on the Gilman's request to remove the dam gate, thereby draining the lake, is expected later this month, Warner said.

Chronicle July 2, 1985

Recycled DEP proposal may save Lake Williams

By ANDREW LIDDELL
Staff Writer

LEBANON — With the exhaustion in recent months of several strategies for saving Lake Williams, the state Department of Environmental Protection wants the town to consider condemning the lake dam and securing a long-term lease from the dam owners.

This is an idea proposed last March by state DEP Water Resources head Benjamin Warner, and it's an idea he is returning to now that other strategies for saving the lake have fallen by the wayside.

State Senator Eric Benson (R.-19th Dist.) proposed in late January that the state purchase the dam and lake water rights, but that legislative proposal was rejected two months ago by the state legislature's Finance, Revenue and Bonding Committee. The committee thought it would be a better idea to include in this year's bonding package a \$1 million dollar fund for dam repairs to be parceled out by the DEP on a cost-sharing basis.

During a DEP hearing in January on a permit application by the dam owners, the Gilman Brothers Co. of Bozrah, to remove the dam flood gate, Warner proposed having Lebanon's Flood and Erosion and Control Board condemn the dam by exercising its right of eminent domain. Then the board, through the creation of a taxing district of property owners surrounding the lake, could buy the dam outright, in which case the state could pay one-third of the cost for dam repairs, according to Warner.

The DEP has estimated that it will cost about \$200,000 to repair the dam.

After a March meeting with Warner, First Selectman Ed Clark and other members of the erosion control board decided it would cost too much money for the town to purchase the dam and the lake water rights.

The tax rate for the town, with about 4,000 residents, would have to increase 12 mills to cover the purchase, Clark said today.

Negotiations on a long-term lease for the dam broke down in March between the Gilmans and the erosion control board. And neither the Gilmans nor the control board see the likelihood of resuming negotiations.

But now control board members and residents as well should consider condemning the lake dam and have the cost of a 99-year lease established by an outside arbitrator if the dam owners refuse to lease the dam, Warner said today.

The following steps are involved in an action to condemn property for easement rights, Warner said.

- Set up a taxing district of lakeside property owners.
- Enter into a formal cost-sharing arrangement with the state for dam repairs.

(Recycle, Page 13)

Recycled plan

(Continued from Page 1)

- Make a formal offer to the dam owners for leasing the dam and the lake water rights.
- Get an appraiser to provide an estimate of what the dam and water rights are worth.
- Make a formal lease proposal to the dam owners for a long-term lease for the dam and the lake water rights.
- If the dam owners refuse the lease offer, begin condemnation proceedings.
- A state superior court judge would determine a fair price for leasing the property.
- The town flood and erosion control board then could pay for the lease based on what the court determines is a fair amount of money for such a lease.
- Repair the dam.

Warner said he has discussed the possibility with erosion control board members, and said he

will continue to push for that course of action.

"I'm trying to persuade (the Flood and Erosion Control Board) to at least go as far as establish a taxing district for property owners around the lake and to make a formal offer to the Gilmans," Warner said today. "So far, they haven't done this," he added.

Assistant State Attorney General James Grady said today that municipal flood and erosion control boards do have the power to exercise condemnation authority to obtain certain rights on a piece of property.

"A town flood and erosion control board not only has the right to condemn and acquire a piece of property, they can condemn for less than total ownership," Grady said.

"A town may, by condemnation, acquire certain rights or easements on a given property," Grady said.

However, town officials and control board members say they are so disillusioned by the failure of recent attempts to save the dam, thereby keeping the 247-acre lake from being drained, they are not optimistic about the lease proposal through condemnation.

Clark said it is an open question in his mind whether the proposed condemnation strategy will work in the case of Lake Williams.

Clark said he was advised by another attorney from the state Attorney General's office that "you can't get a lease through eminent domain."

Sol Kiatic, chairman of the town's Flood and Erosion Control Board, said today that the lease option will be discussed at tonight meeting of the board.

A lease of the dam and lake water rights through condemnation "could be something within reason, depending on the amount of money it would cost," Kiatic said.

"If we decide to pursue that course of action, we would as the first selectman to get in touch with the town attorney to study the state statutes," Kiatic said.

The Gilman brothers could not be reached for comment on the matter.

Meanwhile, the Gilmans have begun lowering the lake water level three feet, as recommended by their engineer during the DEP hearing, which means that roughly three-quarters of the lakeside residents will have only limited recreational use of the lake this summer.

Under DEP orders either to repair or remove the dam, the Gilmans decided in December they want to remove the flood gate.

Attorneys for the town and the Gilmans have been given until the end of July to file briefs in connection with the permit request, and a decision is expected in August.

Town officials suspect that the DEP will deny the Gilman's request to remove the flood gate, but officials also expect that the Gilmans will challenge such a denial in court because originally the DEP gave the dam owners a choice of either removing or repairing the structure.

July 3, 1985 Chronicle

Lebanon board studies proposed lake tax district

LEBANON — The Flood and Erosion Control Board will study a proposed tax district as a means of saving Lake Williams.

"I think this is the first major positive move we've made since we organized," Board Chairman Irving Kiotic said last night of the study. "I'd be very happy to start with this idea of a tax district."

The district's most immediate task would be to study the lake's immediate future. Kiotic mentioned that the Gilman Brothers, owners of the dam and water rights, are strictly interested in selling, rather than leasing, the dam.

Residents who use the lake were given a reprieve last month when the state Department of Environmental Protection said the lake won't be drained this summer.

But Kiotic said he is concerned about the lake's fate after this summer. "They (the DEP) won't let this free ride continue. Something should be done before it's too late."

The Gilmans were ordered in 1981 by the state DEP to repair or remove the dam. Since repair estimates range from \$200,000 to \$300,000, the company proposed in January to leave the gates open year round. Residents oppose the proposal because it would destroy the lake.

Plans call for board members to set boundaries for the proposed tax district, which may include as many as 150 taxpayers. The immediate lake area includes 114 property owners who belong to the Lake Williams Beach Association, according to association president Ron LaForge. In addition, residents of Route 207, Old Colchester Road, and Leonard's Bridge Road near the lake may be affected.

The board will also survey persons in the proposed tax area to get their thoughts on what should be done with Lake Williams. At the start of the meeting Kiotic said he was concerned with residents' continuing loss of interest in the lake.

Members of the Lake Williams Beach Association already pay an association tax for use of the three beaches and acre of land,

LaForge said.

"In general, anyone who has any interest in the lake is willing to support an equitable solution," LaForge said, including the Gilman Brothers.

New board member Mike Melville, who lives in the immediate lake area, suggested the association consider giving those who do not belong to the association access to the beaches in the area. The matter will be brought up at the association's next meeting July 14.

Should the proposed tax district fail, Kiotic said alternatives such as condemning the lake dam may be studied. DEP Director of Water Resources Benjamin A. Warner suggested last March that condemnation be considered if the owners refused to lease the dam. After such a move, he favored an outside arbitrator deciding the cost of a long-term lease.

First step in lake ownership?

July 3, 1985 Chronicle

Tax district approved for Lake Williams

By ANDREW LIDDELL
Staff Writer

LEBANON — In the words of Flood and Erosion Control Board Chairman Sol Kiotic, "a long forward step" towards saving Lake Williams was taken last night when the board voted unanimously to establish a taxing district and to look into purchasing the dam and the lake water rights.

It was high time concrete action was taken by the board to save the 247-acre lake, seeing that nearly seven years have passed since the Army Corps of Engineers said the dam was unsafe, Kiotic said.

With the 5-0 vote, "we are taking a firm, positive step in the direction of saving that lake," Kiotic said.

The erosion control board will set boundaries for the proposed tax district that will include the 114 property owners who are members of the Lake Williams Beach Association.

The district also may include residents who live on Route 207, Old Colchester Road, and part of Leonard's Bridge Road, Kiotic said.

In determining who will be included in the tax district, the erosion control board will "scrutinize who is benefiting from the lake and who is not," Kiotic said.

After the boundaries of the tax district are set, the next step will be "a visit to the town assessor's office for a total taxable assessment of all those properties combined," Kiotic said.

"Then we are going to

have to see what the total expense will be" for purchasing and repairing the dam and buying the lake water rights, Kiotic said.

The Gilmans, who have appeared willing to sell the dam and the lake water rights, were not available for comment this morning.

Kiotic estimated that the total cost to tax the district members will be at least \$1 million.

The D E P has estimated that repairing the dam will cost about \$200,000.

The erosion control board will negotiate a purchase price with the Gilman Brothers of Bozrah, owners of the dam and the lake water rights, Kiotic said.

"We have the right to take the property through eminent do-

main, but out of due respect to the owners, we should do everything willing to support any we can to reach an equitable solution" to agreement on the price the seven-year-long without having to go to court," the erosion control board chairman said.

It's a lot cheaper to include in the tax district all those residents who benefit from the legal fees," Kiotic said.

If the erosion control board chooses to acquire the dam and the water rights through condemnation, a court-appointed arbitrator will decide on the cost to tax district members.

"After we settle on a

purchase price, we'll see if the people (in the district) are willing to do it. If so, o.k., we'll proceed with the whole package," Kiotic said.

Lake Williams Beach Association President Ron LaForge said today

ownership of the dam and lake water rights, the Gilmans have control over the lake water level, according to a recent superior court ruling, but the association has appealed the matter to the state Supreme Court.

The high court is expected to issue a ruling on the appeal later this month.

Meanwhile, the town is awaiting a ruling by the D E P on the Gilmans' permit request to remove the dam flood gate, a move that would drain the lake.

Attorneys for the beach association and the Gilmans were given until the end of this month to file briefs in connection with the permit request, and a ruling is expected next month.

Lebanon To Establish Special Taxing District

By LISA CATANESE
Courant Staff Writer

LEBANON — Town officials plan to establish a special taxing district to save endangered Lake Williams, but some residents could be faced with large tax bills as a result.

With the boundaries for the district as they are now, the only people assured of being taxed are the 150 who own lakefront property. Unless the boundaries are expanded, tax bills for each lakefront resident would be about \$10,000, town officials said.

"It's impossible for them," said Sol Kiotic, chairman of the town's Flood and Erosion Control Board, which was established solely to save the lake.

The board voted unanimously last week to set up the taxing district to buy the dam that creates the 247-acre lake and to pay for state-ordered repairs to the dam. Kiotic said Thursday the estimated cost of both projects is \$1.75 million.

Kiotic said the board is trying to decide who should be included in the taxing district.

Ronald J. LaForge, chairman of the Lake Williams Beach Association, said if the entire town were taxed, tax bills would increase only about \$30 a year for 10 years. "The more people in the taxing district, the less it will cost," he said.

LaForge said because the entire town uses the lake, a popular recreation spot, it is not unfair to expect all residents to pay. "This is not just a lake association issue," he said.

Kiotic said it will take some time for the five-member board to decide who to tax. "It's not going to be a one-day affair," he said. "It's going to be tough, a lot of hard feelings."

After the boundaries of the taxing district are established, Kiotic said, the board will wait to hear from the state Department of Environmental Protection, which ordered the repairs to the Lake Williams dam.

The dam's owner, Gilman Bros. Co., was ordered in 1980 by DEP to repair or remove the dam. Gilman decided last year to remove the dam's floodgates and drain the lake rather than make the repairs despite pleas from residents and town officials to save the 120-year-old lake.

The pleas turned to fury last fall when Gilman drained the lake to study how to remove the dam and for weeks, residents were left with a 247-acre mud puddle filled with rotting logs and dead fish.

DEP Commissioner Stanley J. Pac is expected to decide next month on Gilman's request to remove the floodgates. Kiotic said members of the Flood and Erosion Control Board will not act further on the taxing district after the boundaries are drawn until they hear Pac's decision.

"It's kind of foolish for us to make a decision without knowing what the major decision will be," Kiotic said.

Kiotic said the board anticipates buying the dam from Gilman will not be a problem. "The Gilmans will sell tomorrow if they money is up front," Kiotic said. "This is a white elephant for them."

Hartford, C. 7-12-85

Town to look into creating lake area taxing district

By CHRISTINE KOTRBA
Staff Writer

LEBANON - The Flood and Erosion Control Board will begin looking into the creation of a taxing district for Lake Williams "as soon as possible," according to Chairman Irving Kiotic, and work may be begun on the proposal before the board's next meeting Aug. 6.

The five-member Flood and Erosion Control Board unanimously voted to investigate the feasibility of creating a taxing district July 2 in another attempt to save the 247-acre lake whose dam was declared unsafe by the Army Corps of Engineers seven years ago.

"The Flood and Erosion Control Board has the right to set up a tax district, make the boundaries in and around the lake, and set up a tax rate," Kiotic said.

He stressed it was within the board's authority to take such steps. "The Flood and Erosion Control Board has more power in certain categories than the governor of Connecticut," he said. "He (the governor) can't set a tax district or a tax rate."

Kiotic said the governor would need permission from the legislature to do this, but state statutes say the board needs no such authorization from anyone. "When citizens of Lebanon voted the board in," he said "99 percent probably didn't know how much power it had."

Lake Williams has been the subject of

heated controversy for about seven years now. In 1981, after the dam had been declared unsafe, the Department of Environmental Protection (DEP) ordered the owners, the Gilman Brothers Co., to either repair or destroy the dam.

The Lake Williams Beach Association filed suit when the Gilmans decided not to repair the dam because it would be too costly. A state Superior Court ruled in favor of the Gilmans, but the state Supreme Court heard an appeal in June, and a decision has not yet been handed down.

Sen. Eric Benson's (R-19) plan for state ownership of the lake failed in the state legislature last session, but Benson has said if the Lake Williams controversy is not cleared up by the end of the summer, he will again back state ownership.

The Flood and Erosion Control Board will begin its investigation into the proposed taxing district by first determining its boundaries. The taxing district may include residents of Route 207, Old Colchester Road and Leonard's Bridge Road. The board will then examine the total assessment value of all the property in the proposed district and weigh it against the cost of purchasing and repairing the dam and buying the lake water rights. However, Kiotic said, "We are nowhere near that yet."

So far, Kiotic has heard no opposition from Lake Williams residents about the proposed taxing district. "I didn't," he said, "and I'm sure that they've heard about it through word of mouth."

Lake Williams: no easy answers

It is clear why the Lake Williams saga has dragged on for seven long years - there are no easy answers.

The problem with Lake Williams is that everyone wants it, but nobody wants to pay for it. The owners of the dam, the Gilman Brothers Company, were given the option to either repair that dam or destroy it. Citing the cost of repairing the structure, the company's owners decided to destroy it which, in turn, allows the lake to drain and be destroyed.

Over the years, many solutions have been proposed by state and local officials, but to no avail. The most recent of these is the formation of a special taxing district to collect revenue to save the lake from destruction. However, area residents are already voicing their opposition to the proposal.

Many of these concerned citizens explained they feel residents from all over town, and others from all over the state, use the lake, so it would be unfair to tax only the residents that live near the lake.

In addition, others have said they feel setting up a taxing district could pre-empt possible state ownership of the lake. State Sen. Eric Benson (R-19) failed in getting the state to take over the lake's ownership last session, but has said, if the issue is not resolved by the beginning of the next legislative session, he will again push for state ownership.

But state ownership is not much different from setting up a special tax district to fund the lake's upkeep. In fact, state ownership simply spreads the cost of saving Lake Williams over all the taxpayers in the state, whereas, fewer people in a more concentrated area would be responsible for the funds should a local tax district form. A couple of things to ruminate on: most state taxpayers don't use the lake, and property owners in the lake area would benefit most from saving the lake.

Who should pay for Lake Williams? There are no easy answers, but one thing is certain - local officials should look carefully into all possibilities and leave no stone unturned. Each alternative seems more unfair than the next, and the key is to find the plan most fair to most people. And soon, before it's too late.

7/22/85

Regional Shopper July 22, 1985

Residents opposing proposed special taxing district

By CHRISTINE KOTRBA
Staff Writer

LEBANON - Although members of the Lake Williams Beach Association say they will support the Flood and Erosion Control Board as it works toward setting up a special taxing district, some residents say they will oppose the move if the taxing district includes anything less than the entire town.

The Flood and Erosion Control Board unanimously voted to set up a tax district July 2 in an attempt to save the 247-acre

lake. At the time, erosion board members said the district would include the 114 property owners who are members of the Lake Williams Beach Association.

The Flood and Erosion Control Board's next step will be to determine the boundaries of the taxing district. This will be done by deciding who benefits from the lake and including those people in the district. The Flood and Erosion Control Board is considering making residents who live on Route 207, Old Colchester Road and Leonard Bridge Road a part of the district.

Homeowners around Lake Williams

have differing opinions on the proposal, but many believe that a tax levied only on Lake Williams residents would be unfair.

Anne LaForge, secretary of the Lake Williams Beach Association, said she and her husband are in favor of the taxing district - but not only for the general Lake Williams vicinity. "I think the taxes would be too high," she said. "There are people in Lebanon who do benefit from the lake. I know there are people around the state who benefit also."

She said members of the Lake Williams Beach Association have been canvassing lake residents to judge their feelings on

the matter. Plans are being made, LaForge said, to conduct a special meeting of the association's board of directors to discuss how the group will proceed.

LaForge said the beach association plans to work with the Flood and Erosion Control Board. "We'll support them as long as they go in the direction we want them to," she said.

Lake Shore Drive resident Mary Anderson questioned how members of the Flood and Erosion Control Board will determine who benefits from the lake. She said a person who lives on the other side of Lebanon

(Continued on Page 22)

22 THE REGIONAL July 22, 1985

Lake Williams

(Continued from Page 1)
and swims in the lake benefits just as much as someone who owns a home on the lake.

"It's grossly unfair," she said. "Who determines who is liable? I haven't swam here in 14 years. Does that make me less liable?"

Anderson said that people from all over Lebanon, as well as other towns in the state, use the beach area on Route 207. She said the cars which line the sides of the road there on a hot summer day are evidence of this.

"On a weekend," Anderson said, "you can't drive down Route 207. The cars are

on both sides of the road. Go down there any weekend that's nice."

"The town does no policing to take people out of there," she continued. "Don't get me wrong, I'm not in opposition. I'm just stating that it's being done."

Anderson said people throughout the state benefit from the lake when they fish, swim or boat there. She added that Lawrence Gilman himself benefits from the lake since it feeds Brewster Pond and the Yantic River, two bodies of water which are used by the Gilman Brothers Company.

When asked what criterion would be us-

ed to determine who benefits from the lake, Flood and Erosion Control Board Chairman Sol Kiotic said this would have to be determined by the full board. "I'm only one person," he said. "I have one vote. That will be taken up at our next meeting."

He stressed that setting up a tax district does not necessarily mean a tax will be levied. "That's setting it up in case it's needed," he said. "Whether a tax will be levied I don't know. It might never be used for levying a tax."

Kiotic admitted he has heard some opposition to the creation of the special taxing district, but added, "when a taxing

district is set up, there will always be people in the district who feel it is unfair."

"Maybe we better go over to McCall Road and assess Mr. Kiotic's house," Anderson said. "His son has swam in Lake Williams before, I'm sure."

Frank Adamciewicz of Lake Shore Drive said he was not even entirely familiar with what a tax district would entail. "If we knew more about it," he said, "we might favor it. Not being very clear on just what encompasses the district, I can't say that I'm pro or con on it. I need to know more about it."

(Continued on Page 23)

► Lake Williams

(Continued from Page 22)

Residents also voiced different opinions over what action they would take if the Flood and Erosion Control Board proceeded to levy a tax on only a small segment of the town.

Anderson said she hoped it wouldn't come to that, and wasn't sure what she would do. "I have no idea," she said. "But I'll tell you one thing - it's going to be a scream that will be heard all around."

She added that if she felt the power vested in the Flood and Erosion Control Board was being abused, she would not hesitate to contact the state legislature. "I

don't think any board is so autonomous there is no agency that overlooks it," she said.

Adamcewicz said he has adopted a "wait and see" attitude about the whole thing. "We have been made so many promises over the years," he said, "and so few have come to fruition. We're very cautious."

The Lake Williams controversy began about seven years ago when the Army Corps of Engineers declared the dam unsafe. In 1981, the state Department of Environmental Protection ordered the owners, the Gilman Brothers Company, to repair the dam or have it destroyed.

A suit was filed by the Lake Williams

Beach Association when the Gilmans decided repairing the dam would be too expensive. A state Superior Court has ruled in favor of the Gilmans, but the state Supreme Court heard an appeal in June and no decision has been made yet.

Both Anderson and Adamcewicz are in favor of state takeover of the lake. A bill calling for state ownership of Lake Williams was proposed by Sen. Eric Benson (R-19), but failed in the state legislature last session. Benson has said if the controversy surrounding the lake is not cleared up by the end of the summer, he will again back state ownership.

"It is the fairest, most feasible and most honorable way," Anderson said of state

ownership. She said, though, the bill needs the support of residents and town officials, who did not do all they could to promote the bill last time.

"Somehow," Adamcewicz said, "I feel some segment of government, be it local or state, should be involved not only in the aspect of directing people what to do, but in coming up with finances to alleviate the situation."

He said he felt that local officials have basically maintained a "hands-off policy," and although Rep. Edith Prague (D-8) has been sympathetic to the cause, Benson has been the first to address the problem.

banon lake-draining angers residents
 GER CATLIN Courant Staff Writer
Hartford Courant (1923-1987); Jul 28, 1987;
 Quest Historical Newspapers: Hartford Courant (1764-1987)
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Lebanon lake-draining angers residents

By ROGER CATLIN
 Courant Staff Writer

LEBANON — A lone turtle picked his head out of the shallow muck that used to be Lake Williams. All around him, dead fish — hundreds of them — bobbed near the neck of the lake, 19th-century dam, surrounded by thousands of maggots and a stench that carries for miles.

The Gilman Bros. Co., which has owned the dam since the 1920s and has been battling with the state about its repair for more than seven years, opted to drain the 247-acre lake completely over the weekend.

Lawyers for the company said it wanted to

use the water for a fire protection pond near its plastic sheet manufacturing plant farther down Bartlett Brook in Bozrah.

"The sluice gate mechanism has been broken for quite some time," said Ann McClure, an attorney with the firm Day Berry and Howard in Hartford. "Because they had to fill a dam near their plant, they decided to take the opportunity at the same time to examine the sluice gate."

The result has made 150 owners of lakefront property instead owners of property near a mud puddle. It has also left rotting carcasses of hundreds of fish lying along the paroled stumps and darkened muck of the lake bottom.

"It stinks so bad from the dead fish," said

Freya Braun of Simsbury, who has a summer home on the lake. "They say they want fire protection for their factory, and now there's not a drop of water in our lake. What about our fire protection?"

"This has been going on since 1980," Braun said. "This is the third time [they have] killed all the fish in that lake."

"The stink is just terrible," agreed Raymond Kanter, who owns a campground on the south end of the lake not far from the dam.

"But this is nothing."

Over the weekend, when the lake finally emptied and most of the fish died, the temperatures were breaking records. "They picked the worst time of the year for it, there's

no need for it," Kanter said.

Paul Kripps, who works at the Grand Lake Spa — which is across from the dam and bears the brunt of the stench — said he went out on the lake one night last week and tried to scoop up as many fish as possible to transfer to nearby ponds.

Kripps said he plans another rescue operation — this time for the turtles. "I don't see why [the company] didn't wait rather than kill all the fish just like that. [They] just started draining it and boom: all of the fish come right up to the top. Dead."

See Residents, next page

Residents angered by draining

Continued from previous page

Kanter said he paid more than \$200 for permits for his recreational boats last Wednesday. "On Friday they pulled the plug. Do you think the state is going to refund my money back? I don't think so."

Benjamin Warner, the Department of Environmental Protection's director of water resources, said he has been inundated with calls concerning Lake Williams. "I don't know what to tell people any more," he said. "I'm beginning to make up little rhymes: Lake Williams, the little pond that went away; and the fish had no place to play . . ."

Warner said that because the Gilman company owns the dam, the land under the dam and rights to the water, "they were just exercising their right to drain it. It really is their water and under certain circumstances, they have the right to drain it."

But he said it was "pretty obvious they picked an inappropriate time to put pressure on people."

Warner said he thought the Gilman company tried to build controversy by draining the lake in mid-summer, creating more pressure for the state and town to buy the dam — and the water rights — at an inflated price.

McClure said that "the Gilman brothers are hopeful someone would make the land available to the public." But she added, "We don't think the cost is inflated."

The last time Lake Williams was drained, in 1985, legislation was introduced in the General Assembly to buy the water rights, the dam and to repair the dam. The total cost would have been \$1.5 million.

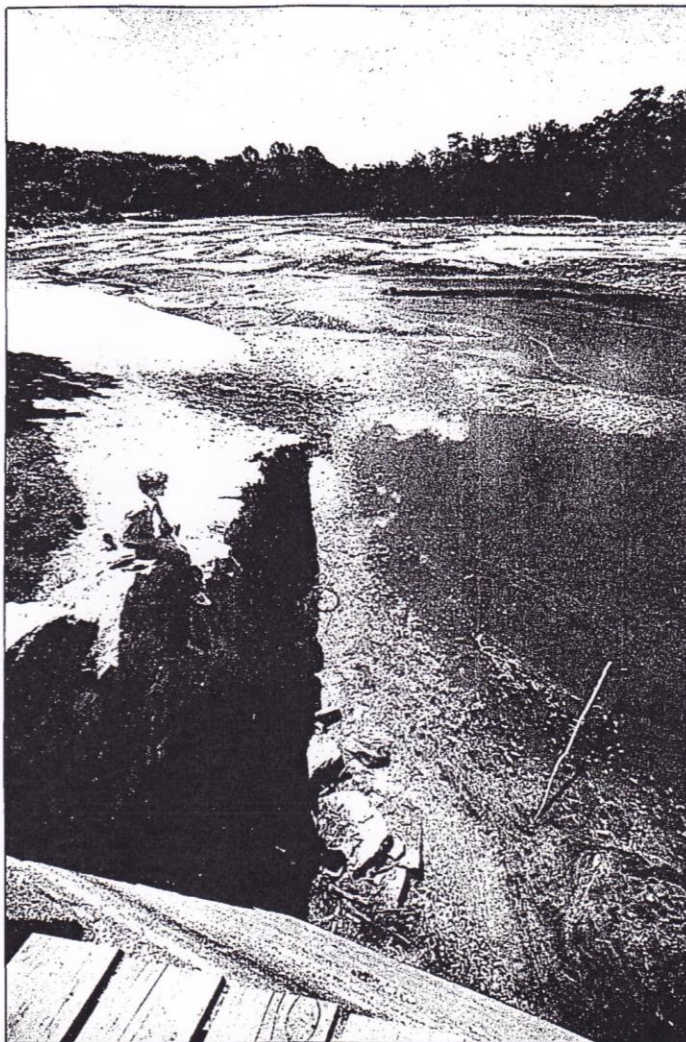
Warner blames the town of Lebanon for dropping the ball by not committing itself to buying the lake.

First Selectman Edward O. Clark said Monday the town would have to call a town meeting to vote on buying the lake rights, but without having a firm price. "That'd be suicide," he said.

He blamed the DEP for the loss of Lake Williams.

"When we need these guys, they're just not there," Clark said. "They're great on advice and not so great when it comes to action. I've been fed up with them for a long time."

"I can't believe the commissioner of the DEP would let a 275-acre wildlife refuge go . . ." Clark said. "If we were on the other side of the



Paul Kripps, a Lebanon resident, sits near the dam at Lake Williams, which is being drained. The dam

owner, Gilman Bros. Co., has been in a dispute with the state for seven years over upkeep of the dam.

river this would have been taken care of a long time ago."

Clark said he was told the Gilman company will spread lime on

the dead fish this morning to contain the smell.

"I don't understand why all of the interested parties can't sit

down together and get some direction on this," said a frustrated Bernyce Brennan, president of the Lake Williams Beach Association.

Dan Haer / The Hartford Courant

Lake association president proposing two-tiered tax

By CHRISTINE KOTRBA
Staff Writer

LEBANON - The president of the Lake Williams Beach Association plans to canvass lake residents, townspeople and members of the Flood and Erosion Control Board to get opinions on a proposed two-tiered tax increase to save the 247-acre lake.

Association President Ronald LaForge's proposal calls for the Flood and Erosion Control Board to create a taxing district around Lake Williams and the downstream flood basin. A one mill tax increase would be levied on district members to cover the costs of purchasing the dam and the lake water rights.

In addition, the entire town's tax rate would be raised by a half mill to cover the remaining costs of purchasing the dam, beach and boat launch area. In essence, Lake Williams residents would feel a one-and-a-half mill increase in their taxes.

"I can understand how people in other parts of town feel that people living on the lake derive a greater benefit than they do because of increased property values," La Forge said. He added he sympathized with the concerns of Lebanon residents who felt people living in the downstream basin of Lake Williams would enjoy the benefit of the dam's added flood control protection.

LaForge said he felt his proposed solution addresses the concerns of Lebanon residents who do not live near the lake, since Lake Williams homeowners will be paying three times as much as taxpayers who are not a part of the taxing district. "I feel it will be an equitable solution," he said, "because the people who benefit more pay more, yet no one is paying a lot of money."

LaForge met July 25 at the State Capitol with officials from the Department of Environmental Protection (DEP), and said his proposal had been well-received. Ben Warner, director of the DEP's Water Resources Division, and DEP Commissioner Stanley Pac were also present at the meeting which had been arranged by Rep. Edith Prague (D-8).

Following the meeting, LaForge said the state is willing to appraise the dam and water rights and give the town an accurate estimate of their worth. He said based upon prior acquisitions of comparable lakes, the estimated value is \$500,000.

From this \$500,000 figure, LaForge was able to calculate what sort of increase taxpayers could expect. He set the total cost

of the project at an estimated \$600,000, which would be borrowed over ten years, and said the town would have to pay \$81,000 annually.

LaForge said residents who are currently paying \$1,000 in property taxes can expect a \$15 increase per year if they do not live within the limits of the special taxing district. Lake Williams residents could expect a \$45 annual increase.

LaForge's proposal calls for the one mill increase on the taxes of district members to end after 10 years when the lake is paid for. The one-half mill imposed on the entire town could remain to pay for the upkeep of a town recreation area. He said there may also be money available in the future from the state to maintain the lake and control weed growth.

By law, LaForge said, the state can pay up to two-thirds of the costs to repair the dam, but if officials saw the town making efforts to resolve the situation, there is a strong possibility they may shoulder 100 percent of the costs.

The controversy surrounding the Lake Williams situation has continued for about seven years now. When the Army Corps of Engineers declared the dam unsafe, the state DEP ordered the owners to either destroy it or have it repaired.

The Lake Williams Beach Association filed suit when the owners of dam,

(Continued on Page 23)

10/2

► Lake Williams

(Continued from page 1)

Lawrence and Charles Gilman, decided it would be too costly to repair the dam. At the state Superior Court level, the ruling was in favor of the Gilmans, but no decision has been handed down on the appeal made in the state Supreme Court.

In a written memo prepared last week, LaForge set out to dispel rumors circulating about the costs of saving Lake Williams. LaForge said he had heard lake residents may have to pay \$10,000 each to save the lake, or that taxes would have to increase by 12 mills. These statements are untrue, according to LaForge.

In his statement, the Beach Association president stressed that not only lake residents should be responsible for saving Lake Williams. "I feel saving the lake should be an issue for the entire town," he wrote, "paid for by the entire town. I believe all town residents benefit from the lake now and will more so in the future."

Plans are in the works, he said, for the town to purchase beach land and build a recreation area. The new recreation area could be used by all townspeople and would eliminate the hazards which currently face residents who swim at a beach area of the lake located along on Route 207.

LaForge stressed the salvation of Lake Williams can only be accomplished through a community effort. He drew an analogy between the Fire/Safety Complex being planned for Goshen Hill Road and the attitude of many residents toward the problems at the lake.

Although the firehouse is not located directly near his home, LaForge said he does not oppose plans for the project because it will give the town more protection. "With the new proposed fire complex being built on the other side of town," he wrote in his memo, "my house would burn to the ground before the fire trucks arrived."

Because of this, residents should not oppose saving the lake merely because they

Because of the low water level in the lake lately, people who water-ski risk being impaled if they fall on a tree stump or branch, according to LaForge. Due to inadequate parking on Route 207, a dangerous situation exists when children race across the highway to get to the cars.

Also, muddy areas caused by the lower water level are hazardous. "Next to my house right now," LaForge wrote in his written statement, "there are places where the mud is three feet deep. There are small children in my neighborhood who, if they fell in that mud, would go right under and never be seen again."

"It's an entire town's responsibility to protect all citizens," he continued, "and especially the children from such needless dangers."

LaForge said he supports the Flood and Erosion Control Board and felt it is "the proper vehicle to solve the problem."

Based upon the reactions of people he has spoken with, LaForge suspects people around the lake, town residents and members of the Flood and Erosion Control Board will support his proposal. "If so," he said, "this eight-year battle to save the lake will be over."

20/2