

6/5/84

the Chronicle, Willimantic Conn., Tuesday, June 5, 1984 5

Petition surfaces over water level at lake

By BILL SWEENEY
Staff Writer

LEBANON — A group of Lake Williams residents have petitioned the town in an effort to establish a cooperative venture between the town, the state, lake residents, and the owner of the Lake Williams dam — that would try to save the lake.

The Board of Selectmen last night accepted a petition, containing 56 valid signatures, circulated by Raymond Kanter, businessman and operator of Kanter's Campground on Lake Williams.

The petition asks the town to establish a flood and erosion control committee. The intent of the committee would be to set up a legal means by which the town could become involved in the four-year-old dispute over the water level at Lake Williams.

Note! The selectmen set a June 18 town meeting date to act on the request.

According to a variety of sources at the lake and a state environmental official, the dispute stems from an Army Corps of Engineers finding approximately four years ago. The corps found that the dam, reportedly owned by the Gilman Brothers Company of Bozrah, was in need of repair.

Negotiations between the lake residents and the owner of dam have apparently failed to reach an agreement so far as to who should pay for the repairs and how the cost could be shared.

Lake Williams residents have complained to the Department of Environmental Protection "it seems like every other month" that the dam is periodically opened and water drained from the lake, according to Ben Warner of the department's water resources unit.

Warner further reported that the dam owner intends to apply for a DEP permit which would allow him to breach the dam, a move which would effectively eliminate Lake Williams completely.

This petition move, which Warner said was his own suggestion, would "hopefully result in some sort of agreement" whereby costs of repairing the dam could be shared by the lake residents, and the lake saved.

"I think it's a very good solution," Kanter said this morning. He said the petition was not circulated under the auspices of the Lake Williams' homeowners association, but it did have the support of many lake residents.

Through the flood and erosion control committee, the town of Lebanon could take control of the dam through eminent domain, establish a tax district at Lake Williams, repair the dam, and assess the repair costs to the lake residents through the taxing district, said Warner. The establishment of the flood and erosion control committee would be the first step.

According to Warner and local reports, someone opened the dam last week and began to drain the lake. The DEP notified the local conservation officer who stopped the draining, said Warner.

"Parties unknown," opened the dam, said Warner, adding that it was not necessarily the dam's owner who did so.

Legal Notice

Special Town Meeting

All the electors and citizens qualified to vote in Town Meeting of the Town of Lebanon are hereby warned and notified that the Special Town Meeting of the Town of Lebanon will be held at the Lyman Memorial High School on Route 207, on Monday, June 18, 1984 at 8:00 P.M. prevailing time for the following purposes:

To consider and act upon a Petition to form a Water Resources, Flood and Erosion Control Committee under Public Act No. 83-388.

Board of Selectmen
Edward O. Clark
Robert A. Leone
Edward M. Bender
6-11

6/19/84

Owners propose dismantling lake's dam

By ROBERT HAMILTON
Staff Writer

LEBANON — The owners of the dam which forms Lake Williams have applied for permission to dismantle the dam and drain the lake, a state Department of Environmental official said today.

The official, Vic Galgowski of the DEP's water resources unit, said if the owners of the dam persist in their efforts to remove the dam, the matter will probably wind up in the courts.

"Eventually, it will take a court case to determine whether we can force a lake owner to maintain a dam indefinitely when he doesn't want to," Galgowski said.

The Gilman brothers of Bozrah, who own the dam, will meet June 26 with the selectmen and DEP officials to try to forge an agreement which would keep the dam intact, Galgowski said.

That closed-door meeting was called at the request of the Gilmans, Galgowski said, although he acknowledged that he urged the Gilmans to participate in the parity.

If those efforts are unsuccessful, however, the Gilmans have until Nov. 1

to submit detailed engineering plans to the DEP showing how the dam would be removed.

After those plans are filed, the DEP would probably hold a public hearing on the request, under a provision of the DEP's regulations which requires a public hearing whenever a project would have an impact on inland wetlands.

"I think we'd all agree that removal of the dam would have a profound impact on the wetlands," Galgowski said. If the DEP refused the request on that basis, and the Gilmans decide to move ahead with the project, the matter would wind up in court, he said.

Four years ago, the DEP ordered the Gilmans to either repair or dismantle the dam, and they have apparently settled on the latter route.

The application to dismantle the dam lends a bit more urgency to an effort underway in town to form a flood and erosion control board.

A faulty legal notice halted a vote on a proposal to establish such a board Monday, but First Selectman Edward Clark said he will prepare a draft

ordinance for the next town meeting on the topic.

"I don't think any of us here want to go off left footed and be illegal somewhere down the road," Clark told the crowd of about 80 residents who attended Monday night's town meeting.

The flood and erosion control board must be formed under the authority of Connecticut General Statutes sections 25-84 through 25-94.

The meeting had been warned, however, to form a board under the authority of public act 83-388, which the town attorney ruled was an incorrect warning, Clark said.

Many in the group obviously were prepared to vote in favor of the ordinance. Outside the high school, where the meeting took place, they had erected banners and placards proclaiming, "Save our lakes," and "Bozrah Light and Power says Damn to Dam."

Bozrah Light and Power, a business owned by the Gilman brothers of Bozrah, is the legal owner of the dam which forms Lake Williams off Route 207. The regular lowering of that lake

prompted the call to form a flood and erosion control board.

The move to form a flood and erosion control panel was prompted by the Gilman's periodic lowering of the level of the lake in the four years following the DEP order to repair or dismantle the dam.

"If they want to drain the lake down, legally they can," Galgowski conceded today.

But if a flood and erosion control board is formed, it would have the authority to plan, construct and maintain a flood and erosion control system in town, which could include dikes, dams, drainage ditches and other facilities.

The board would even have the authority, under the statutory right of eminent domain, to condemn property and take it for the town. If the Gilmans continued to maintain they could not feasibly repair the dam, the board ruled the dam is essential in the town's flood control plan, the town could take it over and pay the Gilmans fair market value for the property.

George Mitchell, a landowner at Lake Williams, treasurer of the lake associa-

tion and one of the key speakers at Monday's meeting, said if the board is formed it would be able to establish taxing districts at various lakes in town to pay for any repairs or acquisitions which benefit residents in that area.

"It would not be the case that we're asking the town to pay extra taxes to take care of the lake areas that we're talking about," Mitchell said.

Although Lake Williams, which covers more than 260 acres, making it the fourth largest lake in southeastern Connecticut, is one of the more important lakes in town, there are also four other large lakes in Lebanon which would benefit from having a flood and erosion control board in town, Mitchell said.

Amston Lake, Savin Pond, Red Cedar Lake and Brewster Pond, all in western Lebanon, form the Yantic River, which poses a perennial flooding problem, Mitchell said.

If the flood and erosion control board developed a plan for dealing with spring rain runoff, Mitchell said, the flooding problem downstream would be lessened.

6/19/84

Norwich Bulletin, Tuesday, June 19, 1984 SEVENTEEN

Lebanon can take control of dams

By ALISON LANGLEY
Bulletin Staff Writer

LEBANON — The town has the authority to take over and maintain private dams to prevent flooding, residents were told last night.

A state law passed last year gives the town the right of eminent domain over private dams if a local erosion control board were established. That move would save Lake Williams, George Mitchell, treasurer of the Lake Williams Beach Association, told the crowd of about 80 people.

The Gilman Brothers Co., owners of the dam, notified the state Department of Environmental Protection that it intends to dismantle, rather than repair, the Lake Williams dam.

"Lake Williams is the fourth largest lake in Southeastern Connecticut. It is unbelievable that one man or one company can totally destroy it," Mitchell said.

Lake Williams is 264 acres, with a 180-acre wetland to the north. If the dam were removed, the entire

area would be drained, he said.

The new ordinance gives the flood control board the power to either purchase or condemn a dam for the purposes of taking it over. The board would consist of five to seven citizens who would supervise a flood control system. Residents would be assessed for repairs after they were made.

Because a petition to form the board cited the wrong state statute, last night's town meeting couldn't legally take action, said First Selectman Edward O. Clark.

The town's selectmen will meet next week with petition organizer Raymond Kanter, Mitchell and the town attorney to write an ordinance. Clark said a town meeting will be called to form the control board in July.

All of the town's five lakes, which feed into the Yantic River, contain dams. If the dams were removed, the river could flood in heavy rains, Mitchell said. The dam owners have the right to dismantle the dams, he said.

Mitchell said his association has written the Gilman Bros. Co. offering to purchase or repair the dam but has received no reply.

Lawrence Gilman, co-owner of the company, last night would not comment because of a pending lawsuit.

The association filed suit against The Gilman Bros. Co., claiming lake residents' rights to enjoy the lake were violated when the company has the right to draw the water down at will, Mitchell said.

7/30/84

the Chronicle, Willimantic Conn., Monday, July 30, 1984 5

Lake Williams dam is the issue Flood control committee will be voted on tonight

By BILL SWEENEY
Staff Writer

LEBANON — A town-wide flood and erosion-control committee will be established, a maneuver by which it is hoped to break a longstanding impasse between the owners of the Lake Williams dam and property owners on the lake, if town voters approve the measure at a town meeting tonight, 8 p.m., at Lyman Memorial High School.

The move to form the committee has been lent some urgency because the current owners of the Lake Williams dam, the Gilman brothers of Bozrah, have filed an application with the state Department of Environmental Protection to dismantle the dam and therefore drain the lake.

The committee would have town-wide powers, noted First Selectman Ed Clark this weekend, and could therefore control and prevent flooding and erosion in all parts of Lebanon. "This isn't just for Lake Williams," said Clark.

However, the move to form the committee was prompted by the situation at Lake Williams where for the past four years Lake Williams residents and the owners of Lake Williams and its dam have been embroiled in an ongoing dispute over the water level at the lake. Lake Williams residents, on the suggestion of the DEP, petitioned for a town meeting to form the committee.

The committee would almost certainly address the Lake Williams problems as its first major item of business.

Lawrence Gilman declined all comment on the proposal this morning. He noted that he is currently involved in litigation, now pending before the state Supreme Court, filed by the Lake Williams Association over water level at the lake.

Four years ago, an Army Corps of Engineers' study found that the flooding capacity at Lake Williams was inadequate and the DEP, in turn, ordered the Gilmans to do something about it. Since that time, the Gilmans have periodically lowered the level of lake, partly in response to DEP orders to ensure capacity for a large-scale flood.

Primarily the DEP wants the owners to increase the spillway capacity in order to handle a large-scale flood, said Ben Warner of the department's water resources unit.

Negotiations between lake residents and the Gilmans have apparently failed throughout the four years to reach an agreement as to who should pay for the repairs and how the cost could

be shared. Lake Association officials claim the Gilmans have been completely unresponsive to association attempts to negotiate.

But according to state law, said Warner, the Gilmans have two options: fix the dam or dismantle it. They have apparently chosen the latter route just this past year.

But if a flood and erosion control board is formed, it would have the authority to plan, construct and maintain a flood and erosion control system in town, including the Lake Williams dam.

The board would even have the authority, under the statutory right of eminent domain, to condemn property and take it for the town. If some sort of negotiated settlement with the Gilmans could not be worked out and the dam's owners continued to request permission to dismantle the dam, the board could determine the dam is essential to the town's flood control system.

If so, the board could take over the dam and pay the Gilmans fair market value for it. No one — including lake residents, town and state officials — has yet determined what the fair market value might be.

The board would also have the authority to assess the costs of purchasing and repairing the dam to those people who would benefit from the actions, according to state law. The board would have the authority to determine who would benefit and therefore who would be assessed the costs. More than likely, however, most, if not all, of the costs would be assessed to those people who live in the immediate vicinity of Lake Williams through a special tax district.

The DEP could not provide any accurate figures as to what the repairs might cost.

Town officials have expressed concern that the committee's potential actions — purchase and repair of the dam — would at least cost the town some up-front money. Warner acknowledged the town might have to make some sort of financial commitment at first — bonding paid off by assessments to lake residents has been suggested by some — but it would not necessarily have to spend any immediate tax dollars.

This summer, water level at the lake has not been a particular problem, according to Lake Williams residents. They have reported the level of the lake is near capacity.

The Gilmans, however, have notified the DEP that the gate has been vandalized preventing it from being opened, said Warner.

7/31/84

The Chronicle, Willimantic Conn., Tuesday, July 31, 1984 5

Lebanon okays flood control board: Lake Williams negotiations follow

By BILL SWEENEY
Staff Writer

LEBANON — A crowd about 80-strong, comprised predominantly of Lake Williams residents, unanimously approved Monday night the creation of a flood and erosion-control board, the first one formed in the state with broad powers over dams.

Creation of the board opens the way for negotiations with owners of Lake Williams and its dam, the Gilman brothers of Bozrah. Those negotiations would center on the repairs to the dam required by the state, who would pay for them, and the water level in the lake which has been a bone of contention for the past four years.

The negotiations would also hope to stave off plans by the Gilmans to dismantle the dam and drain the lake.

If push comes to shove and negotiations could not bring about some agreement, the board could exercise the statutory right of eminent domain — that is, take over the dam and pay the owners fair market value for it.

However, town officials and a state environmental official stressed that eminent domain would be a "last resort." Ben Warner, Director of the DEP's water resources unit, said following the meeting, "In the case of the Lake Williams dam, I doubt if eminent domain would work because it would have to involve purchasing the dam and the water rights (to the lake)."

Warner noted that exercise of eminent domain — that is, the forced purchase of the dam and water rights — could run into a great deal of money. No amount has been determined for such a purchase, but several knowledgeable people say it could run into hundreds of thousands of dollars.

If eminent domain is the least desirable solution, a long-term lease between the owners and the board would be the most desirable answer, said Warner. That opinion was seconded by First Selectman Ed Clark. Clark said that negotiation of some sort of lease could eliminate an expensive and "nasty" step — the purchase of the dam and water rights.

One way or another — through eminent domain or negotiation of a lease — repairs must be done to the dam. Essentially, said Warner, the DEP wants the spillway capacity increased to allow for a large-scale flood. No figure has been set on those repairs. That would be one point of negotiation — how to repair the dam and who would pay for it. Another point of negotiation would be the water level at Lake Williams.

"Maybe an agreement can be reached that says, 'you (the Gilmans) get so much water but we (Lake Williams residents) have the right to have a certain water level,'" said Warner.

Since the DEP ordered the Gilmans four years ago to

repair the dam, they have periodically lowered the level of the lake, angering residents who live along the lake. At the same time, negotiations have failed between the owners and the residents to reach agreement on who should pay for the repairs. Lake association officials claim the Gilmans have refused to negotiate; Lawrence Gilman, contacted Monday, has declined to comment on the situation.

The costs of the board's actions — be it repairs or a possible purchase — would be assessed to those people who benefit from the actions, according to state law. That is, the board would determine who specifically benefits from the actions and assess the costs directly to them through a special tax district.

The town as a whole could also contribute funds, noted Warner, as several other towns in the state have done in similar circumstances. However, he said, the costs could only be assessed to townspeople as a whole through the town's normal appropriation channels — that is, Board of Finance and town meeting approval would be needed.

Both the dam's owners and the residents of Lake Williams are currently wielding one form of leverage over each other.

The Lake Williams Association has filed suit against the Gilmans seeking to establish their rights to an

acceptable water level at the lake. When the level is lowered periodically, the northeast corner, where many of the homes are located, is left high and dry for the most part. George Mitchell, treasurer of the lake association, said after the meeting that the association does not have any plans at the moment to drop its suit.

The Gilmans, on the other hand, have filed an application with the DEP to dismantle the dam and thereby drain the lake. They are legally entitled to do so. In fact, facing the DEP order, they have two options: fix the dam or dismantle it. However, people close to the situation question whether the Gilmans would actually prefer to dismantle the dam rather than negotiate. They note that costs of dismantling the dam could run as much, or more, than fixing it.

The board will include five regular members and three alternates, all appointed by the Board of Selectmen. One member would be from the Lake Williams area, one from Red Cedar Lake, one from Amston Lake. Clark resisted suggestions by Lake Williams residents to strengthen their representation, in terms of making their seat the longest in tenure and requiring the selectmen to appoint the association's nominee.

The association can still, however, recommend an appointee to the selectmen, noted Clark.

7/31/84

Norwich Bulletin, Tuesday, July 31, 1984 NINE

New board will focus on dams in Lebanon

LEBANON — Residents last night approved a measure that gives the town more control over private dams to prevent flooding.

Establishing the Municipal Flood and Erosion Control Board clears the way for negotiations with The Gilman Brothers Co., which notified the state earlier that it intends to dismantle, rather than repair, the Lake Williams dam. The lake is southeastern Connecticut's fourth largest lake.

The new ordinance gives the flood control board the power to either buy or condemn a dam for the purposes of taking it over.

Department of Environmental Protection's Director of Water Resources Benjamin A. Warner told about 100 residents purchasing a dam is only a last resort; the ordinance gives the town weight to negotiate with dam owners.

"Maybe an agreement can be reached that says, 'you get so much water but we have the right to have (the lake at) a certain water level,'" Warner said. "Hopefully both parties can reach an agreeable compromise."

"If all else fails you can exercise your right of eminent domain," Warner said, adding that the cost of a dam in some instances may be prohibitive for a town.

George Mitchell, treasurer of the Lake Williams Beach Asso-

ciation, said he was pleased by last night's vote, but was apprehensive of the negotiations with Gilman.

"It's going to be complex and tough to come up with something equitable," Mitchell said.

If a dam is bought, residents would be assessed for repairs after they were made.

Some residents felt the ordinance could cost the town too much money if it was forced to buy and repair dams.

According to another motion, the Board of Selectmen would appoint the five-member board, with one representative each from Red Cedar Lake, Amston Lake and Lake Williams. Two members would be appointed at-large.

"I think the selectmen should take the town of Lebanon into consideration, not just the lakes. There are other bodies of water in town," said one resident.

All the town's five lakes, which feed into the Yantic River, contain dams. If the dams were removed the river could flood in heavy rains.

The Beach Association has filed suit against the Bozrah company, claiming lake residents' rights to enjoy the lake were violated when the company has the right to draw the water level down at will. That case will be heard by the state Supreme Court in November.

8/4/84

Lebanon...Lebanon...Lebanon...Lebanon...

**Able To Negotiate For Dam
Flood & Erosion-Control
Board Established**

By Greg Barden
LEBANON - Residents approved an ordinance Monday night calling for the formation of a flood and erosion-control board which would have the power to negotiate with the owners of Lake Williams and its dam.

The crowd of more than 80 residents, mostly from the Lake Williams area, unanimously established the Municipal Flood and Erosion Control Board, giving them a greater bargaining power with the Gilman Brothers Co., owners of the dam, who notified the state earlier that it plans on dismantling the structure, resulting in the draining the lake. The Department of Environmental Protection ordered the Gilmans to repair the dam four years ago, but negotiations between the owners and the residents have been unsuccessful in determining who should pay for the repairs.

According to Benjamin A. Warner, state funding would be available, but the flood board is the only town agency authorized by the legislature to conduct negotiations. If an agreement could not be reached, the board could exercise the right of eminent domain, take over the dam and pay the owners fair market value for it.

Warner emphasized that the eminent domain power is only used as a last

resort, explaining that the forced purchase of the dam and water rights would be an expensive method of gaining control.

The goal of the board would be a long-term lease with the owners through which repair could be accomplished. Warner said that the flood board would have the authority to tax those who would benefit from any project it does, including downstream residents, but he also said that expenses could be spread over all the taxpayers. "The statutes say that if state owned property benefits from the project, it must pay 100% of the expense for that portion of the work," Warner said, adding that two-thirds state funding is available for municipal projects and one-third state funding is usable for private property that benefits from repair work.

The DEP report calls for increased spillway capacity

to allow for a large-scale flood. Phil Moreschi, a DEP engineer present at the meeting, said that the state would take an active role in technical assistance to the board and would help in the hiring of a contractor.

A second motion was also adopted unanimously allowing the Board of Selectmen to appoint the five-member board, with one representative each from Red Cedar Lake, Amston Lake and Lake Williams. The other two positions would be open to all residents, and there will also be three alternates chosen. First Selectman Edward Clark said that all who are interested in being appointed to the board should request consideration by mail.

Two of the appointed members will serve a three year term, while two will serve for two years and one member will serve for one year.

8/30/84

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Flood agency candidates sought

LEBANON — The Board of Selectmen has

nine applicants for the eight seats on the town's new flood and erosion-control board, but the board is still looking for more candidates because the current field is overloaded with Lake Willimas residents, the first selectman said Thursday.

"It wouldn't be fair to anyone if it was one-sided," said First Selectman Ed Clark. "It has got to be as well-distributed as you can make it."

Clark said four of the nine applicants expressing interest in appointment to the board came from the Lake Williams area. The Lake Williams Association has recommended the selectmen appoint the association's treasurer, George Mitchell, to fill one of the full seats on the board, said Clark. The association also recommended two other Lake Williams residents to fill alternate

seats on the board, he said. The board, which was created by town voters at a July 30 town meeting, will consist of five full seats and three alternate seats. Of the five full members, one must be from the Lake Williams Association, one from the Red Cedar Lake area, and one from the Amston District.

The selectmen have said they would be reluctant to appoint more than one representative from each of the town's three major lake areas.

The first major task for the board will be negotiation with the owner of Lake Williams and the lake's dam — the Gilman brothers of Bozrah — to resolve a four-year old dispute between the owners and the residents over the water level at the lake and repairs needed to the dam.

Anyone interested in appointment to the board, should notify the first selectman.

9/21/84

CHRONICLE 7/28/84

Lake Williams dam first priority

Flood board organized

By **BILLSWEENEY**
Staff Writer
LEBANON — The first business for the town's new flood and erosion-control board will be negotiations to save Lake Williams, but the owner, of the lake said he still intends to dismantle the dam, which is also his.

The board, created by vote of a July 30 town meeting, met for the first time Thursday night. It took no action, but did set the agenda for its future business, beginning next Monday night when it will elect officers, set meeting dates, and discuss whether to become an intervener in the owner's applications to state environmental groups.

The owner of record, the Gilman Brothers Co. of Bozrah, has informed the state Department of Environmental Protection that it intends to breach the dam — a move which would eliminate the man-made lake.

For about four years, he has been under a state order to repair the dam to improve the flood capacity of the lake. Since that time the Gilmans and Lake Williams residents have failed to reach an agreement about the

repairs, and the owners have periodically lowered the lake's water level.

The Lake Williams Association is currently suing the Gilmans, in a case now pending before the state Supreme Court, in an effort to establish rights to what they consider an acceptable water level at the lake.

The board, which Lake Williams residents lobbied for, was created in an attempt to negotiate some sort of agreement that could include purchasing the lake and the dam, leasing them, or paying repair costs in return for a guaranteed water level.

Board member Sol Kiotic, who said he is on good terms with the Gilmans, said negotiations could be far more fruitful if the association dropped the suit.

Board member George Mitchell, who is also association treasurer, said, however, the lake association has no plans to drop its suit.

The dam's gate has been opened for several weeks now, lake residents said Thursday, and about six or seven feet of water has been drained from the lake. Board alternate Raymond Kanter, who owns a campground on

the lake shore, said the lake is about ten feet at its deepest.

Phil Morreschi of the DEP water resources unit said the Gilmans have asked for a six-month extension on their deadline to submit plans to dismantle the dam. The deadline is currently Nov. 1.

The lake association, which is an intervener in the action, has contested the extension and the lowering the lake level.

Lawrence Gilman declined comment on the possible negotiations because of the pending litigation.

PZC gives Stearns go-ahead

SCOTLAND — Luther Stearns was given temporary approval by the Planning and Zoning Commission to subdivide a portion of his property located on Station Road contingent on the presentation of a map, at the October meeting.

Stearns presented the PZC with an outline of his property indicating the location of his home and the section he intends to sell.

Lebanon... Lebanon... Lebanon... Lebanon**Members Appointed****Flood Board Meets**

By Greg Barden
LEBANON - The town's new flood and erosion-control board held its first two meetings over the past two weeks. The board, established by ordinance at a July 30 town meeting, was appointed by the Board of Selectmen earlier this month.

On the five-member group are representatives from each of the town's lake associations -- Harry Stoll from Red Cedar Lake, Chester Sargent from Amston Lake and George Mitchell from Lake Williams. Remain-

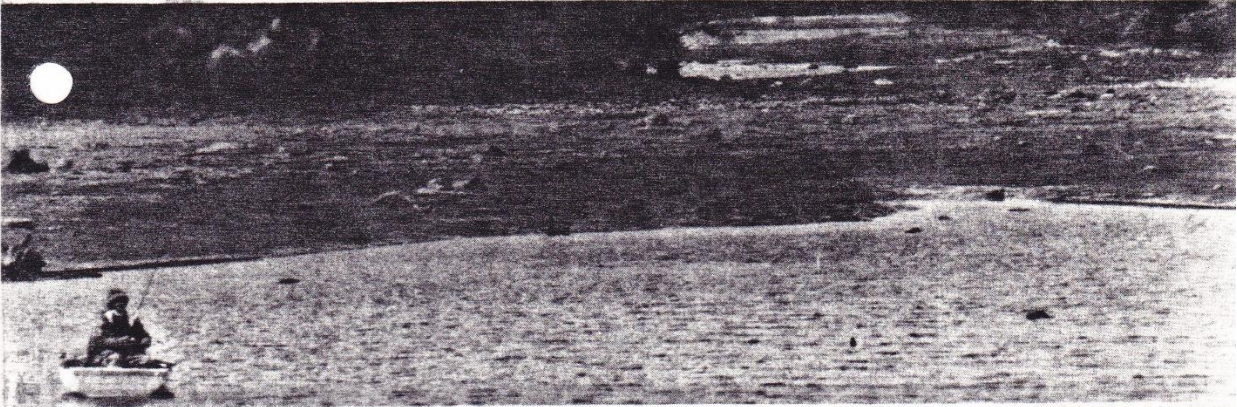
ing members are Nancy Dubin of Tobacco Street and Irving "Sol" Kiotic of Goshen Hill Road. Mitchell and Kiotic were named to three-year positions, while Dubin and Sargent will serve for two years and Stoll will serve one year.

The selectmen also named three kpeople to serve as alternates. They are Raymond Kanter, David Day and Al Lopes.

The first meeting of the flood board was Sept. 20 where it set an agenda for a second meeting on Sept. 24 including the election

of officers, setting of a regular meeting date, and discussion on whether the group will become an intervener in the Lake William's dam owner's applications to the Department of Environmental Protection.

The owners of the dam, the Gilman Brothers Co. of Bozrah, have told the DEP it will remove the dam, eliminating the man-made lake. The Gilmans have been under state orders to repair the dam, improving its flood capacity, for almost four years.



A fisherman navigates his boat through the water that remains in Lake Williams.

Bulletin photo by Carol Phe

Group wants DEP to fine dam owner

By TRACEY O'SHAUGHNESSY
Bulletin Staff Writer

LEBANON — The Lake Williams Beach Association has asked the state Department of Environmental Protection to begin fining the company that owns the lake's dam because it hasn't complied with DEP orders.

Association members claim the Gilman Brothers Company has not complied in time with 23 DEP directives issued in 1978 after the Army Corps of Engineers deemed the dam a significant hazard to public safety.

"Gilman has had six years to repair the dam. In that time, Crystal Mall was built and conceived of from scratch, Electric Boat has built 18 nuclear submarines and shipped them to the navy and the state has suffered some major storms," association treasurer George Mitchell said.

"They have been stalling on this thing long enough. There's no justification for giving them another extension," he charged.

The Gilman Brothers recently received an extension from the DEP to submit in November their repair plans which were originally due in May. They have now asked to extend that deadline until May. The association does not want to wait that long.

Mitchell proposes that DEP fine the dam owners because they have not complied with the state agency's regulations.

lake has been drained a considerable amount this summer.

The Gilman Brothers, who also own Bozrah Light and Power, are in litigation with the association over draining the lake. They have refused comment while the suit is in process.

The Association has offered to take over the deed from The Gilman Brothers and be responsible for the upkeep of the dam, Mitchell

said. But the group has not yet heard from the dam owners.

Warner said Lebanon's newly established Flood and Erosion Control Board offers the best solution for Lake Williams.

"The board would have the authority to acquire the dam and

could require people who live on it to contribute tax money to repair the dam. It could make agreements with Gilman on how much water should be drained out during the summer months. It seems like the most viable solution to me," said Warner.

But Benjamin A. Warner, director of DEP's Water Resources Unit, says the agency cannot legally take any action because the dam owners have, in fact, followed DEP orders.

Warner explained that owners of a dam which is found to be unsafe, are given the chance either to make repairs or breach (destroy) the dam. The Gilman Brothers have said they will destroy the dam, and that draining the lake is part of the process.

"They are in effect complying with our orders because they have elected to breach the dam and we are satisfied that they are in the process of doing that," Warner said.

Warner and Mitchell agree the

9/29/84

The Hartford Courant

SATURDAY, SEPTEMBER 29, 1984—8 SECTIONS

Failing Dam Pulls Plug On Homes With a View

By LISA STENZA
Courant Staff Writer

LEBANON — For eight years, Richard and Jane LeRoy have had a perfect view of picturesque Williams Lake from a big bay window in their living room.

Today, their window frames a scene of mud puddles, rotting stumps and scattered dead fish.

The last drop of water was drained from the 247-acre lake this week, and the dam that creates the lake is likely to come down. Without the dam, the lake cannot exist.

"It's really a sad thing to look at; the water's all gone," Jane LeRoy said. "It's sad because it's a beautiful lake, especially in the fall. The sun shines through the trees and reflects off the water."

Williams Lake may be the first of up to 1,000 lakes and ponds in the state that could suffer the same fate, state environmental officials say.

Legislation passed in June 1983, which mandates periodic inspection of all dams in the state, has forced some dam owners to choose

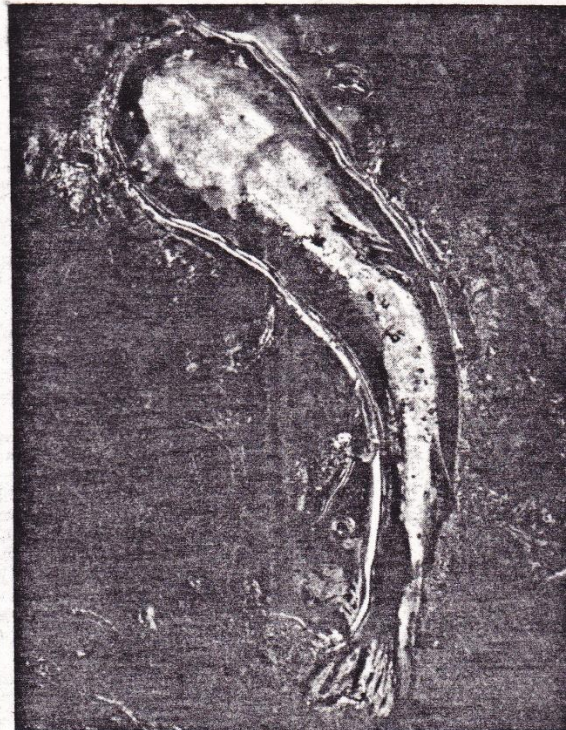
between maintaining their dams and abandoning them.

Of the 4,000 dams in the state, about 1,000 are privately owned and surrounded by homes, said Philip W. Moreschi, principal civil engineer with DEP's Water Resource Unit. Many of those need repair. And the dilemma of repairing or removing the dams may recur in those cases in the near future as well, he said.

Landowners around Williams Lake have no control over the dam, which is owned by a company that bought it almost a century ago, Moreschi said.

Charles A. Sperlazza of Plainville was at the lake Thursday night when the last of the water drained out. He and a friend spent three hours that night throwing dying fish, mostly 4- and 5-pound bass and catfish that had washed ashore, into a nearby brook in the hopes of saving them.

"If you could have seen those fish," he said. "There were thousands of them just flopping around."



Dan Haar / The Hartford Cou

See Bill, Page A8

One of many fish that died when Williams Lake was drained

Bill for Dam Pulls Plug On Lake

Continued from Page 1

Landowners on Williams Lake say if the lake remains dry, not only will their recreation be destroyed, but the value of their homes will drop drastically.

The tree-lined lake is now a crater full of muddy puddles, fish and scattered debris. Large snapping turtles cross lawns in search of water.

"It was a gorgeous lake," said Bernyce Brennan, who has looked out on the lake from a 24-foot-wide bedroom window. "It's so distressing. I don't know if you can imagine what it's like to live on a waterless lake."

Williams Lake was created in 1865 when a dam was built for a hydroelectric power plant. In 1898, the dam was sold to the Gilman Bros. Co., which owns the Bozrah Light and Power Co. and used the hydroelectric plant to supply power.

"It's not uncommon in this state for mill ponds to be constructed, then property around the lake is sold off for development, then people enjoy the lake and pay no cost for it," Moreschi said. "They expect the pond to always be there."

A June 1978 inspection by the



Dan Haar / The Hartford Courant

Raymond Kanter walks the lakebed of Williams Lake. Kanter, 62, has lived on the lake all his life. The owners of a dam that created the lake have decided to remove the dam rather than repair it.

U.S. Army Corp of Engineers concluded the dam needed repairs to meet federal safety standards. In 1980, Gilman was ordered to repair the dam or remove it.

Gilman Bros. decided this year to remove the dam.

"We are now in the process of taking all the water out of the lake for our engineers to make plans to remove it (the dam)," company President Lawrence Gilman said Friday. A DEP public hearing is necessary before the dam can be removed.

In an attempt to save the lake, the Williams Lake Beach Association filed an unsuccessful lawsuit. The appeal is pending in the state Supreme Court.

The association has offered to finance repairs or buy the dam

from Gilman Bros., but residents said company representatives will not discuss the offers with them.

Lawrence Gilman said that because of the pending litigation, he would not discuss why his company opted to remove the dam. He did say, however, that the expense of repairs had a role in the decision.

"We're trying to be good citizens; we know we are," Gilman said. "They are trying to paint us as real bad 'bluebearded' people ... but we're not looking for sympathy."

Residents have not lost hope. The town has established a Flood and Erosion Control Board, which according to state statutes can seize the dam if it proves essential to flood control.

George Mitchell, president of the beach association and one of the

board's five members, said a board first will try to negotiate with Gilman Bros.

But even if the board's efforts are successful, damage has been done. Fishermen say the lake will not become a good fishing area for at least five years.

Raymond Kanter, 62, who has owned Kanter's Campground for 32 years, said, "It means to me that my campers will be very unhappy and I'll probably lose a lot of them."

Loren F. Goodrich, a lake resident, said the conflict between Gilman and residents is dismaying.

"I've been fishing here all my life," he said. "It's too bad that everybody here can't sit down and have a cup of coffee and get together."

Lebanon...Lebanon...Lebanon...Lebanon...



TIDE'S OUT - The water level at Lake Williams has fallen more than 10 feet since the Gilman Brothers Co., owners of the lake's dam, lowered the dam earlier this month. The Gilmans use water from the man-made lake to generate electricity for the Bozrah Light and Power Co. which they operate. (G. Barden Photo)

Lake Williams Association Requests Punitive Action

LEBANON - The state Department of Environmental Protection has been requested to initiate punitive action against a Lebanon dam owner for failure to comply with DEP orders for repairs to the Lake Williams dam. In their recent letter to the DEP, the Lake Williams Beach Association noted that the Gilman Brothers Company, owners of the dam, has failed to comply with any of the 23 requirements of three separate DEP directives by the dates specified in those orders. Several of these requirements are now almost three years past the specified compliance dates. The initial letter of requirement was issued by the DEP in December 1978.

The Association is seeking DEP action to preserve the watercourse which is

now under threat of destruction by the Gilman Brothers Company who have announced their intent to remove the dam impounding the waters of Lake William, the fourth largest recreational lake in southeastern Connecticut. Stanley J. Pac, Commissioner of the DEP, has acknowledged his agency's authority over Lake Williams in a letter to one of the Association's members. The state's Inland Wetlands and Watercourses Act gives the DEP authority over most of the state's watercourses, including artificial lakes, public or private.

Citing non-compliance of the Gilman's, who also own Bozrah Light and Power, the Association has requested that the DEP deny an extension requested by the Gilman

Brothers Company and initiate punitive measures which, under Connecticut state law, could amount to \$500 per day.

The Lake Williams Beach Association, a chartered municipality within the town of Lebanon, feels that six years is more than sufficient time in which to correct dam conditions declared a significant hazard to public safety by the Army Corps of Engineers in 1978. The state has suffered extensive flood damage from two major storms since that time. The Association also be-

lieves that the dam repairs can be accomplished in a manner consistent with public health, safety, and welfare. The Connecticut Environmental Protection Act requires that the DEP seek such a remedy.

